

nomination of Lynn McGraw Moses to be postmaster at Altoona, Pa., was rejected on the 5th instant. Yesterday was the last opportunity I had to enter the motion.

I now ask unanimous consent that the President be requested to return to the Senate the resolution of rejection of the nomination of Lynn McGraw Moses to be postmaster at Altoona, Pa.

Mr. GUFFEY. I object.

The PRESIDING OFFICER. In that connection the Chair wishes to make a statement. The present occupant of the chair was in the chair yesterday. As is always the case when the Senate proceeds to consider executive business, Senators proceeded to talk, crowd around, and cause confusion. Immediately after the recess the Senator from Pennsylvania [Mr. DAVIS] informed the present occupant of the chair that he had tried to obtain recognition. The Chair did not hear the Senator and did not see him. If the Chair had seen him, he would have recognized him. The Chair regrets that he did not see the Senator in time to recognize him. For that reason the Chair did not give the Senator an opportunity yesterday.

Mr. GUFFEY. Mr. President, is unanimous consent required?

The PRESIDING OFFICER. Does the Senator from Pennsylvania object?

Mr. GUFFEY. I do.

The PRESIDING OFFICER. Objection is heard.

RECESS TO MONDAY

Mr. BARKLEY. As in legislative session, I move that the Senate take a recess until 12 o'clock noon on Monday next.

The motion was agreed to; and (at 3 o'clock and 55 minutes p. m.) the Senate took a recess until Monday, March 11, 1940, at 12 o'clock meridian.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 9 (legislative day of March 4), 1940

BUREAU OF INTERNAL REVENUE

Jonas W. Graber to be Assistant to the Commissioner of Internal Revenue.

COLLECTOR OF CUSTOMS

Paul R. Leake to be collector of customs for customs collection district No. 28, with headquarters at San Francisco, Calif.

UNITED STATES PUBLIC HEALTH SERVICE

Thomas Parran to be Surgeon General of the Public Health Service.

TO BE MEDICAL DIRECTORS

Knox E. Miller	John H. Linson
Charles V. Akin	Newton E. Wayson
Clifford E. Waller	

TO BE SENIOR SURGEONS

Russell R. Tomlin
Marion R. King
Egbert M. Townsend

TO BE PASSED ASSISTANT SURGEONS

Walter E. Sharpe, Jr.
Edgar E. Findlay

TO BE SENIOR DENTAL SURGEONS

Alfe E. Nannestad	Robert L. Robinson
Robert C. Stewart	William T. Wright, Jr.

POSTMASTERS

KENTUCKY

Emmett C. Crider, Fredonia.

MONTANA

Donald W. Cameron, Belgrade.

PENNSYLVANIA

William L. Rothermel, Millersburg.

SENATE

MONDAY, MARCH 11, 1940

(Legislative day of Monday, March 4, 1940)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

The Chaplain, Rev. ZeBarney T. Phillips, D. D., offered the following prayer:

Almighty and everlasting God, who hatest nothing that Thou hast made and dost forgive the sins of all those who are penitent, create and make in us new and contrite hearts that we, worthily lamenting our sins and acknowledging our wretchedness, may obtain of Thee, the God of all mercy, perfect remission and forgiveness. Through Jesus Christ our Lord. Amen.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Saturday, March 9, 1940, was dispensed with, and the Journal was approved.

CALL OF THE ROLL

Mr. MINTON. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Davis	Johnson, Colo.	Russell
Andrews	Donahey	King	Schwartz
Ashurst	Ellender	La Follette	Schwellenbach
Austin	Frazier	Lee	Sheppard
Bailey	George	Lodge	Shipstead
Bankhead	Gerry	Lucas	Smith
Barbour	Gibson	McCarran	Stewart
Barkley	Gillette	McKellar	Taft
Bilbo	Glass	McNary	Thomas, Idaho
Brown	Green	Mead	Thomas, Okla.
Bulow	Guffey	Miller	Thomas, Utah
Burke	Gurney	Minton	Townsend
Eyrd	Hale	Murray	Truman
Byrnes	Harrison	Neely	Tydings
Capper	Hatch	Norris	Vandenberg
Caraway	Hayden	Nye	Van Nuys
Chandler	Herring	O'Mahoney	Wagner
Chavez	Hill	Overton	Walsh
Clark, Idaho	Holman	Pepper	Wheeler
Clark, Mo.	Eloit	Pittman	White
Connally	Hughes	Reed	
Danaher	Johnson, Calif.	Reynolds	

Mr. MINTON. I announce that the Senator from Washington [Mr. BONE] is absent from the Senate because of illness.

The Senator from California [Mr. DOWNEY], the Senator from Connecticut [Mr. MALONEY], the Senator from Maryland [Mr. RADCLIFFE], the Senator from New Jersey [Mr. SMATHERS], and the Senator from Illinois [Mr. SLATTERY] are detained on important public business.

The VICE PRESIDENT. Eighty-six Senators have answered to their names. A quorum is present.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Latta, one of his secretaries, who also announced that the President had approved and signed the following acts:

On March 5, 1940:

S. 2868. An act to facilitate the procurement of aircraft for the national defense.

On March 9, 1940:

S. 643. An act authorizing the payment of necessary expenses incurred by certain Indians allotted on the Quinaielt Reservation, State of Washington.

BENEFITS ADMINISTERED BY VETERANS' ADMINISTRATION

The Vice President laid before the Senate a letter from the Administrator of Veterans Affairs, transmitting a draft of proposed legislation to provide for uniform apportionment of benefits payable under laws administered by the Veterans' Administration, which, with the accompanying paper, was referred to the Committee on Finance.

REPORT OF FEDERAL PRISON INDUSTRIES, INC.

The VICE PRESIDENT laid before the Senate a letter from the Secretary of Federal Prison Industries, Inc., transmitting, pursuant to law, the Annual Report of the Board of Directors of Federal Prison Industries, Inc., for the fiscal year 1939, which, with the accompanying papers, was referred to the Committee on the Judiciary.

NORTH PACIFIC GRAIN GROWERS, INC. (S. DOC. NO. 163)

The VICE PRESIDENT laid before the Senate a certified copy of the findings of fact and conclusions of the Court of Claims in the case of North Pacific Grain Growers, Inc., against the United States, which was referred to the Committee on Claims and ordered to be printed.

SOUTH DAKOTA WHEAT GROWERS ASSOCIATION, INC. (S. DOC. NO. 162)

The VICE PRESIDENT laid before the Senate a certified copy of the findings of fact and conclusions of the Court of Claims in the case of South Dakota Wheat Growers Association, Inc., against the United States, which was referred to the Committee on Claims and ordered to be printed.

GEORGE S. WOLBERT, RECEIVER OF NEAFIE & LEVY SHIP & ENGINE BUILDING CO. (S. DOC. 161)

The VICE PRESIDENT laid before the Senate a certified copy of the findings of fact of the Court of Claims in the case of George S. Wolbert, receiver of the Neafie & Levy Ship & Engine Building Co., against the United States, which was referred to the Committee on Claims and ordered to be printed.

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate the following concurrent resolution of the Legislature of New York, which was referred to the Committee on Commerce:

Whereas a bitter controversy arose in the First Constitutional Convention of the United States, in that the representatives of the smaller States as a rule claimed that the vote, and so the influence of the States in the proposed Government should be equal, and the representatives of the larger States as a rule claimed that their greater population and wealth were entitled to recognition; and

Whereas the controversy ended in the creation of a bicameral legislature; in the lower branch, the House of Representatives, the claim of the larger States found recognition, while in the upper branch, the Senate, the claim of the smaller States found recognition and each State having two votes; and

Whereas since the House of Representatives' seats were to be distributed in proportion to the population, the Convention, foreseeing the rapid changes of population, ordained an enumeration of the inhabitants and a redistribution or reapportionment of seats in the House of Representatives every 10 years; and

Whereas the Federal census began in 1790 and has been taken every 10 years since, under mandate contained in the Constitution of the United States; and

Whereas the classifications for statistical information have increased in number from one census to another, so that it has now reached a point where the underlying purpose of the census has become secondary, and that some of the questions required to be answered in the present census are of a very personal nature; and

Whereas the Congress has also decreed that a criminal penalty be imposed upon persons refusing to answer said questions or who give false information: Now, therefore, be it

Resolved (if the assembly concur), That the Congress of the United States be, and it hereby is, memorialized to amend this legislation so that the personal questions may be eliminated from the questionnaire, and the criminal penalty abolished; and be it further

Resolved (if the assembly concur), That copies of this resolution be immediately transmitted to the President and to each United States Senator and each Member of the House of Representatives of the United States elected from the State of New York, and to the Clerk of the House of Representatives and the Secretary of the Senate at Washington, D. C.

The VICE PRESIDENT also laid before the Senate a resolution adopted by the convention of the National Cotton Council of America, at New Orleans, La., protesting against the taxation of margarine made exclusively of domestic oils and fats, which was referred to the Committee on Finance.

He also laid before the Senate a resolution of the Civic Council of San Pedro, Calif., favoring the enactment of legislation to authorize the Secretary of War, in the interest of the national defense, to make a survey of the proposed "T" tunnel as a means of communication between San Pedro,

Wilmington, Terminal Island, and Long Beach, Calif., which was referred to the Committee on Military Affairs.

He also laid before the Senate a telegram in the nature of a petition from the president and secretary of the Panama Canal Clubs of Southern California, assembled at Los Angeles, Calif., praying for the enactment of the so-called Pepper bill, being the bill (S. 1162) to provide for the recognition of the services of the civilian officials and employees, citizens of the United States, engaged in and about the construction of the Panama Canal, which was referred to the Committee on Inter-oceanic Canals.

Mr. CAPPER presented a letter from the Kansas Bankers' Association, Topeka, Kans., signed by Fred M. Bowman, secretary, enclosing copy of a resolution adopted by the bank management commission of the association, favoring the enactment of legislation exempting the banking business from the provisions of the Fair Labor Standards Act of 1938, which were referred to the Committee on Education and Labor.

Mr. SHEPPARD presented a letter in the nature of a memorial from E. W. Brown, Jr., and other citizens of Orange, Tex., remonstrating against the enactment of the bill (S. 1650) to promote peace and the national defense through a more equal distribution of the burdens of war by drafting the use of money according to ability to lend to the Government, which was ordered to lie on the table.

Mr. WALSH presented a resolution of the Women's Republican Club of Cambridge, Mass., favoring the elimination of certain personal questions from the 1940 census questionnaire, which was referred to the Committee on Commerce.

He also presented resolutions adopted by the Citizens' Union Conference in the State of Massachusetts, favoring the enactment of certain legislation pertaining to civil rights, education, recreation, labor, unemployment, and social security, and housing, which were referred to the Committee on Education and Labor.

He also presented a resolution adopted by the Finnish-American Club, of Greater Boston, Mass., protesting against the shipment of war supplies to Russia and the buying of Russian gold by the United States, which was referred to the Committee on Foreign Relations.

PINK BOLLWORM

Mr. BILBO. Mr. President, I have before me a concurrent resolution passed unanimously by the Mississippi Legislature, asking the Congress to increase the appropriation for the campaign against the pink bollworm. I am happy to say that the Appropriations Committee in its report to the Senate has increased this appropriation \$382,808. The bill includes the name of a mysterious weevil. However, I understand this weevil has already been done away with, but there is some money to be used to further protect the farmers against this insect. The Legislature of Mississippi voices the sentiment of all the cotton producers in the South in the fight against the pink bollworm, and I ask that the resolution lie on the table and be printed in the RECORD as part of my remarks.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

The resolution was ordered to lie on the table as follows:

House Concurrent Resolution 31

House concurrent resolution memorializing Congress to appropriate funds to the Department of Agriculture to prevent further spread of the pink bollworm

Whereas the pink bollworm, recognized as the most destructive pest of cotton, is now spreading into Texas at an alarming rate and threatens to become established over the entire Cotton Belt unless checked; and

Whereas the general infestation of the Cotton Belt by the pink bollworm would be disastrous to the cotton industry and have a demoralizing effect on agriculture in all part of the United States: Therefore be it

Resolved by the house of representatives (the senate concurring therein), That the Congress of the United States be requested to make an adequate appropriation to the Department of Agriculture to prevent the further spread of this destructive pest; be it further

Resolved, That copies of this resolution be sent to the following: President Franklin D. Roosevelt, the Director of the Budget, the Secretary of Agriculture, the subcommittees on agricultural appropriations in both House and Senate, and to the Mississippi Senators and Representatives in Congress.

REPORTS OF COMMITTEES

Mr. PITTMAN, from the Committee on Foreign Relations, to which was referred the bill (S. 3097) for the relief of Katherine M. Drier, reported it without amendment and submitted a report (No. 1300) thereon.

Mr. WHEELER, from the Committee on Interstate Commerce, to which was referred the bill (S. 3440) to amend the Locomotive Inspection Act of February 17, 1911, as amended, so as to change the title of the chief inspector and assistant chief inspectors of locomotive boilers, reported it without amendment and submitted a report (No. 1301) thereon.

He also, from the same committee, to which was referred the resolution (S. Res. 240) further continuing Senate Resolution 71, Seventy-fourth Congress, authorizing an investigation of railroad financing and certain other matters (submitted by Mr. WHEELER on March 5, 1940), reported it without amendment and submitted a report (No. 1302) thereon.

Mr. BYRNES, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which were referred the following resolutions, reported them each without amendment:

S. Res. 213. Resolution authorizing the Committee on Enrolled Bills to employ a temporary assistant clerk (submitted by Mrs. CARAWAY on January 10, 1940); and

S. Res. 218. Resolution to pay a gratuity to Audrey Jones (submitted by Mr. NEELY on January 18, 1940).

Mr. BARKLEY, from the Joint Select Committee on the Disposition of Executive Papers, to which were referred, for examination and recommendation, 18 lists of records transmitted to the Senate by the Archivist of the United States, which appeared to have no permanent value or historical interest, submitted reports thereon pursuant to law.

BILLS AND JOINT RESOLUTIONS INTRODUCED

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. HILL:

S. 3552. A bill to authorize the construction of works for flood control and other purposes on Autauga Creek at Prattville, Ala.; to the Committee on Commerce.

S. 3553. A bill authorizing bestowal upon the unknown unidentified American buried in the Memorial Amphitheater of the National Cemetery at Arlington, Va., the decoration of the Purple Heart; to the Committee on Military Affairs.

By Mr. DAVIS:

S. 3554. A bill to amend subsection (a) of section 60 of the Bankruptcy Act; to the Committee on the Judiciary.

By Mr. MEAD:

S. 3555. A bill for the relief of Walter Chwalek;

S. 3556. A bill for the relief of Guy T. Morris; and

S. 3557. A bill for the relief of James Morris; to the Committee on Claims.

By Mr. SMITH:

S. 3558. A bill for the relief of John Rutledge Holcombe; to the Committee on Claims.

By Mr. BYRNES:

S. 3559. A bill to authorize the Secretary of War to lease public property for periods not in excess of 20 years in certain cases where he is now authorized to lease such property for periods not in excess of 5 years; to the Committee on Military Affairs.

(Mr. O'MAHONEY introduced Senate bill 3560, which was ordered to lie on the table, and appears under a separate heading.)

By Mr. MINTON:

S. 3561. A bill to extend the times for commencing and completing the construction of a bridge across the Ohio River at or near Mauckport, Harrison County, Ind.; to the Committee on Commerce.

By Mr. HILL:

S. J. Res. 227. Joint resolution authorizing the President of the United States of America to proclaim Citizenship Day for the recognition, observance, and commemoration of

American citizenship; to the Committee on Education and Labor.

By Mr. PITTMAN:

S. J. Res. 228. Joint resolution providing for an annual appropriation to meet the share of the United States toward the expenses of the International Technical Committee of Aerial Legal Experts, and for participation in the meetings of the International Technical Committee of Aerial Legal Experts and the commissions established by that committee; to the Committee on Foreign Relations.

CHANGE OF REFERENCE

Mr. WAGNER. Mr. President, last week a number of Senators introduced a bill dealing with the Farm Credit Administration Act, Senate bill 3480, to provide for the establishment of the Farm Credit Administration as an independent agency of the Government, and for other purposes. The bill was referred to the Select Committee on Government Organization. It deals substantively with the Farm Credit Administration Act, measures concerning which have always been considered by the Committee on Banking and Currency, from the inception of the act itself. Therefore, with the consent of the chairman of the Select Committee on Government Organization and the consent of the sponsors of the bill, I ask that the Select Committee on Government Organization be discharged from the further consideration of the bill and that it be referred to the Committee on Banking and Currency.

The VICE PRESIDENT. Is there objection to the request of the Senator from New York? The Chair hears none, and it is so ordered.

EXTENSION OF ANTIPERNICIOUS POLITICAL ACTIVITIES ACT—AMENDMENT

Mr. BROWN submitted an amendment intended to be proposed by him to the bill (S. 3046) to extend to certain officers and employees in the several States and the District of Columbia the provisions of the act entitled "An act to prevent pernicious political activities," approved August 2, 1939, which was ordered to lie on the table and to be printed.

AMENDMENT TO AGRICULTURAL DEPARTMENT APPROPRIATION BILL

Mr. AUSTIN submitted an amendment intended to be proposed by him to the bill (H. R. 8202) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1941, and for other purposes, which was ordered to lie on the table and to be printed, as follows:

On page 40, line 19, to strike out the period and insert a colon and add the following: "Provided further, That there is hereby reappropriated for the fiscal year ending June 30, 1941, for the same purpose as originally appropriated any balance of the appropriation, 'National forest protection and management,' contained in the First Deficiency Appropriation Act, fiscal year 1939 (Public, No. 7, 76th Cong.), which remains unobligated on June 30, 1940."

HEARINGS BEFORE THE FINANCE COMMITTEE ON EXTENSION OF RECIPROCAL TRADE AGREEMENTS ACT

Mr. HARRISON submitted the following resolution (S. Res. 242), which was referred to the Committee on Printing:

Resolved, That in accordance with paragraph 3 of section 2 of the Printing Act approved March 1, 1907, the Committee on Finance of the Senate be, and is hereby, empowered to have printed for its use 400 additional copies of the hearings held before said committee during the current session on the resolution (H. J. Res. 407) to extend the authority of the President under section 350 of the Tariff Act of 1930, as amended.

ADDRESS BY SENATOR BARKLEY ON ACCOMPLISHMENTS OF THE ROOSEVELT ADMINISTRATION

[Mr. WAGNER asked and obtained leave to have printed in the RECORD an address delivered by Senator BARKLEY on the American Forum of the Air, at the National Press Club Auditorium, March 3, 1940, on the accomplishments of the Roosevelt administration, which appears in the Appendix.]

ADDRESS BY SENATOR REYNOLDS TO BETA CLUBS OF NORTH CAROLINA

[Mr. REYNOLDS asked and obtained leave to have printed in the RECORD an address entitled "Looking Forward," delivered by him at the annual banquet of the members of the North Carolina Beta Clubs, at Raleigh, N. C., on March 9, 1940, which appears in the Appendix.]

ADDRESS BY POSTMASTER GENERAL FARLEY ON THE FARM AND CITY PARTNERSHIP

[Mr. MEAD asked and obtained leave to have printed in the RECORD a radio address on the subject The Farm and City Partnership, delivered by Postmaster General Farley on the occasion of the Anniversary Farm Dinners, on Friday, March 8, 1940, which appears in the Appendix.]

FARM BENEFIT PAYMENTS AND FARM OPERATION BY BANKERS AND INSURANCE COMPANIES

[Mr. LEE asked and obtained leave to have printed in the RECORD an article from the New York Times of Tuesday, March 5, relative to insurance companies which are beneficiaries of farm-benefit payments, an article from the Washington Post of March 10, 1940, under the heading "Banker beats pen into plowshare," and an article from the Washington News of February 17, under the heading "Life-insurance firm biggest United States farmer," which appear in the Appendix.]

ADDRESS BY JOHN TEMPLE GRAVES 2D ON THE LATE HENRY W. GRADY

[Mr. BANKHEAD asked and obtained leave to have printed in the RECORD an address delivered by John Temple Graves 2d to the Atlanta Historical Society on the fiftieth anniversary of the death of Henry W. Grady, which appears in the Appendix.]

COOPERATION BY WYOMING RANCHERS AND FARMERS WITH FARM PROGRAM

[Mr. SCHWARTZ asked and obtained leave to have printed in the RECORD a letter and a tax table from Mr. Leroy Moore, of Ross, Wyo., chairman, Wyoming A. A. State committee, relative to the cooperation by Wyoming ranchers and farmers with general farm program in 1939, and in some activities during the years 1936-39, which appear in the Appendix.]

N. Y. A. WORK AND ASSISTANCE IN WYOMING

[Mr. SCHWARTZ asked and obtained leave to have printed in the RECORD a communication from Ernest P. Marschall, State administrator of the National Youth Administration for Wyoming, and a tabulation accompanying the communication, showing the amount and character of work performed by Wyoming young people eligible for N. Y. A. work and assistance, which appear in the Appendix.]

LOANS TO WYOMING FARMERS AND RANCHERS BY FARM SECURITY ADMINISTRATION

[Mr. SCHWARTZ asked and obtained leave to have printed in the RECORD a communication from C. B. Baldwin, Acting Administrator of the Farm Security Administration, giving the status of loans made to farmers and ranchers in Wyoming by the Farm Security Administration, which appears in the Appendix.]

RECIPROCAL-TRADE AGREEMENTS

[Mr. BILBO asked and obtained leave to have printed in the RECORD a letter to Senator HARRISON from Hon. E. P. Thomas, president of the National Foreign Trade Counsel, which appears in the Appendix.]

RAILROAD LAND GRANTS

[Mr. SHEPPARD asked and obtained leave to have printed in the RECORD a letter to him by T. C. Elliott, of Washington, D. C., on the subject of railroad land grants, which appears in the Appendix.]

ARTICLES BY RAYMOND CLAPPER AND STATEMENTS BY ERNEST T. WEIR

[Mr. DAVIS asked and obtained leave to have printed in the RECORD two articles by Raymond Clapper and two replies thereto by Ernest T. Weir, published in the Scripps-Howard newspapers of February 27, February 29, March 2, and March 4, 1940, which appear in the Appendix.]

REVENUE AND GOVERNMENTAL COSTS IN WEST VIRGINIA

[Mr. HOLT asked and obtained leave to have printed in the RECORD a letter written by him relative to revenue collected and governmental costs in West Virginia, which appears in the Appendix.]

SALE OF NEWLY ISSUED RAILROAD BONDS BELOW PAR

Mr. MINTON. Mr. President, a short time ago the junior Senator from Missouri [Mr. TRUMAN], on the floor of the Senate, directed the attention of the Senate to the fact that an issue of bonds being floated by the Louisville & Nashville Railroad had been bid on by a bond house for the full par value of the bonds; but, notwithstanding that fact, the railroad company proposed to and, I believe, did sell the issue of bonds to its banking connection in New York for less than par, and for less than an offer it already had in good faith.

There has been called to my attention another circumstance of similar import. It seems that the Elgin, Joliet & Eastern Railway are offering an issue of \$20,000,000 of their bonds. They likewise have been offered par for the bonds; but, notwithstanding the fact that they have been offered par for the bonds, they propose to accept 99½ from their bankers in Wall Street.

Mr. President, so long as the railroads of the country are asking the Government of the United States to help them solve their problem—and they have a problem—it seems to me they should be doing something about putting their own house in order. It seems to me the least they should do is to try to get for the bonds they sell all that they can get and not be favoring some Wall Street banker by means of a cut on their bond issues.

EXTENSION OF ANTIPERNICIOUS POLITICAL ACTIVITIES ACT

The Senate resumed the consideration of the bill (S. 3046) to extend to certain officers and employees in the several States and the District of Columbia the provisions of the act entitled "An act to prevent pernicious political activities," approved August 2, 1939.

The VICE PRESIDENT. The question is on agreeing to the amendment, as modified, offered by the Senator from Michigan [Mr. BROWN] to the committee amendment.

Mr. BROWN. Mr. President, I desire to take a portion of the time between now and the hour at which the vote is to be had in a discussion of the amendment, and particularly a discussion of the application of the Hatch bill to certain classes of our citizens. I desire briefly to point out some of the things my pending amendment does and some of the things it does not do; the latter particularly, because so much has been said over the week end about the prohibition of the amendment.

In the first place, it does not prohibit anyone from political activity, or from making political contributions, or from engaging in political management. Every man has the right so to conduct himself that he may be excepted from the provisions of the amendment by divesting himself of interest in a governmental financial benefit, just as every Government employee, if he desires to resign, may except himself from the provisions of the Hatch Act. The requirement of the amendment is that if a man's profits depend upon Government tariffs, if he desires to continue a contract he has with the Government, or to borrow from it, he may not, by pernicious political activity, attempt to influence the Government.

If someone says it is not pernicious political activity for a man to engage in the task of attempting to persuade others to join his political party or to vote for his particular candidate, then I reply that the Senator from New Mexico has made it pernicious political activity for a Government employee to engage in any manner, no matter how legitimate that engagement may be, in political activity. Under my amendment, if a man deals with his Government or has a controversy with his Government, such as an application for a tax refund, during the period for which he is so engaged but for no longer, he must not, because of his possible financial interest in the outcome, become a political manager for a candidate, become a member of a political committee or be a cash contributor or a cash collector, or be active politically.

Mr. President, this is not a new idea. On the same day that I submitted my amendment, the Senator from Vir-

ginia [Mr. BYRD], without any knowledge upon my part that he was doing it, and, of course, without any knowledge upon his part that I was submitting an amendment, proposed the following:

No person, firm, or corporation entering into any contract with the United States or any department or agency thereof, or performing any work or services for the United States or any department or agency thereof, or furnishing any material, supplies, or equipment to the United States or any department or agency thereof, or selling any land or building to the United States or any department or agency thereof, if payment for the performance of such contract or payment for such work, services, material, supplies, equipment, land, or building is to be made in whole or in part from funds appropriated by the Congress, shall, during the period of negotiation for, or performance or furnishing of, such contract, work, services, material, supplies, equipment, land, or buildings, directly or indirectly, make any contribution of money or any other thing of value, or promise expressly or impliedly to make any such contribution, to any political party, committee, or candidate for public office or to any person for any political purpose or use; nor shall any person knowingly solicit any such contribution from any such person, firm, or corporation for any such purpose during any such period. Any person who violates the provisions of this section shall, upon conviction thereof, be fined not more than \$5,000 or imprisoned not more than 5 years.

That is one of the things I intended to cover in my amendment, but perhaps is expressed in a better manner than I have expressed it in my amendment.

Not only is that proposition not new, but the Senator from New Mexico [Mr. HATCH] some time ago proposed, with the Senator from Virginia [Mr. BYRD], a similar prohibition.

Mr. HATCH. Mr. President, will the Senator yield?

Mr. BROWN. I yield.

Mr. HATCH. I think this is the proposal submitted before, almost in the exact language.

Mr. BROWN. It may be. I desire to compliment the Senator from New Mexico on joining with the Senator from Virginia in that respect.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. BROWN. I yield to the Senator from Maryland.

Mr. TYDINGS. I was wondering whether the Senator proposed to offer that amendment as a separate amendment.

Mr. BROWN. That amendment, in substance, is contained in my amendment. My amendment of course goes further, and includes the beneficiaries from the tariff; it includes those who borrow from the Government, and so forth. I do not intend to offer this amendment as a substitute for mine.

The Senator from New Mexico [Mr. HATCH] and the Senator from Utah [Mr. THOMAS], who, I believe, are experts on this subject, said upon the floor of the Senate that the evil which the Senator from New Mexico sought to reach by the amendment he proposed some years ago, and the evil which I seek to reach now, is far more to be condemned than the evil which he seeks to reach by the pending Hatch bill. The Senator from Utah, upon being questioned about the matter, made a statement which I desire to read. I refer to page 2596 of the CONGRESSIONAL RECORD of March 9, when the Senator from Indiana [Mr. MINTON] asked which was worse, contributions by State employees or contributions by great corporations seeking public favor.

The Senator from Utah replied:

That which the Senator from Michigan [Mr. BROWN] exposed yesterday is damnable. That which was exposed by the Senator from West Virginia [Mr. NEELY] was bad.

In other words, the evil which I point out—the contributions and political activity of tariff beneficiaries and others—and which I think is a part of the same general proposition about which we are legislating today—is considered by the very acute and able Senator from Utah to be much more to be condemned than are these petty contributions from Government and State employees.

The Senator from Utah proposes an amendment; and again I see in the amendment the idea which seems to permeate those who are favoring the pending Hatch measure. The Senator from Utah, I think very logically, proposes that no person who engages in political activity on the side of what we might call, for lack of a better term, the "outs," shall be

appointed to any public office for a period of 2 years after the success of those whom he supported. But again, for some reason which I cannot fathom—though I can see a practical reason, possibly, for it—he excepts members of the Cabinet and excepts Ambassadors to foreign countries.

I say to fair-minded men if we are to enact a provision covering the political manager who is active in a minor capacity, in a county or in a State, to prohibit him from taking any appointive office from the successful candidate in an election because he participated in politics in an entirely legitimate way—not in an illegitimate way, but in a proper way—if we are to prevent him from being appointed to office, why should we exempt the great contributors who contribute tens of thousands of dollars instead of \$10? Why should we not prohibit them from having positions as ambassadors or places in the Cabinet? I cannot understand why men who have studied this problem, as have the Senator from New Mexico and the Senator from Utah, exempt the "big shots" and continually legislate against the little fellow.

In this connection I desire to call attention to another matter. I have been a great admirer of the newspapers of Washington. It is rather surprising that newspaper owners who have the ideas entertained by Mr. Meyer or the owners of the Star should permit their columns to be used by a liberal, a sometimes extreme—I might even say radical—columnist. But they do it. They have been entirely fair in that respect. The Washington Post does not agree with Mr. Lindley's views, but they publish Mr. Lindley's views. The News does not always agree with Mr. Clapper's views, but they publish Mr. Clapper's views. The Star certainly does not agree with the somewhat radical views which are often expressed by Jay Franklin, but they publish Mr. Franklin's views; and probably all these gentlemen are paid for their contributions. Therefore in what I am about to say I do not mean to intimate that I criticize or that I have any idea of penalizing by legislation the newspapers either of Washington or of any other place.

I do not smart under criticism, but I think that the editorial in this morning's Washington Post condemning me for attempting to sabotage the Hatch amendment, now proposed, is picking on one who cast one of the two vital votes, which, if they had been changed, would have resulted in the adoption of the Miller amendment, which would have entirely eliminated from section 9 of the Hatch Act the prohibition against all political activity. If I had wanted to sabotage the Hatch bill or the present Hatch Act, I would have joined with those who I think had considerable ground for voting as they did against the provision in the law which condemns all legitimate political activity on the part of officers. But I did not do that.

Mr. LEE. Mr. President, will the Senator yield?

Mr. BROWN. I yield.

Mr. LEE. I do not agree with the Senator that everyone who voted for the Miller amendment or the Adams amendment had in mind sabotaging the entire Hatch bill.

Mr. BROWN. I think that if the Senator will read what I have stated he will find that I did not make such a statement.

Mr. LEE. I listened very carefully. The implication was rather strong.

Mr. BROWN. Certainly if I gave that impression, I did not mean to imply, because I am rapidly coming to the point where I believe that I would now vote for a proposal which would eliminate the ban against all political activity as it is included in the original Hatch Act, if it is necessary to eliminate such a ban in the application of the Hatch bill to State employees, as to whom I contend we have no right to legislate at all under the framework of the American Constitution.

Mr. President, I stayed with the proponents of the Hatch bill when it was not easy to do so, when those with whom I am usually associated were urging upon me to vote the other way, because I hoped that we could leave the present law as it is, and not attempt to place upon the officers of the State of Michigan and of the other States of the Union what I conceive to be an entirely unfair provision, a provision which

while not unconstitutional, insofar as section 12 of the bill is concerned, under the letter of the Constitution, I think is completely against the spirit and framework of the Constitution.

Mr. President, while I am on that subject I wish to read a part of this editorial:

Because of the commendable purpose of the bill few Senators have attacked it directly. Most of its opponents, like Senator Brown, prefer to saddle the measure with absurd amendments that would make its enactment unfeasible. * * *

To be consistent the Senator should have included all farmers drawing benefits from the A. A. A. and veterans entitled to Federal aid.

I did not include either of those classes, and I do not think they should be included. I certainly would not include the class I am about to mention, but it was suggested to me by more than one Member of the Senate and more than one Member of the House that we might also include the newspapers of the United States, and prevent them from political activity, because of the fact that they are using the mails of the United States, and there is plenty of authority for that view, from the decision in the case of *Lewis Publishing Co. v. Morgan* (229 U. S. 288).

Mr. President, I do not care to go that far. There is no Member of the Senate who will fight more vigorously for the liberty of the press or for freedom of speech than I will. But we are tending in the direction suggested.

People talk about the Constitution preventing a "denial" of freedom of the press and a "denial" of freedom of speech. I have heard that word used many times. The Constitution does not say any such thing. The Constitution provides that the Congress shall make no law "abridging" the freedom of speech or "abridging" the freedom of the press, the word "abridging" being quite different from the word "denial." It means that we cannot chisel away, bit by bit, statute by statute enacted here, freedom of speech or freedom of the press. It means that we cannot condense, contract, curtail, diminish in extent. We have to leave the freedom of speech complete. That is what it means.

Mr. President, when we do what we did in the original Hatch Act, and what we are asking to do in the pending amendment, we apply an abridgement of the right of free speech, not as applied to all the citizens of the United States, but as applied to a certain class of citizens of the United States. How powerful is that attempt?

Take the case of a teacher in the University of Minnesota, which operates under the Morrill Land Grant Act, who has a position at, say, \$5,000 a year as a college professor, and has no other income. The only way he can live, support his family, and maintain himself, is by hanging onto his job as a teacher in the university, because if he resigns to run for office, for example, he cannot get a job in any other university. He would be subject to the same penalty elsewhere. His life and his profession are that of teaching. We say to him that he cannot speak upon a political subject; that he cannot engage in any political activity.

The Senator from New Mexico admitted last Tuesday that under the provisions of his law that teacher could not even take part in an election upon a proposition to bond his community for the purpose of erecting a schoolhouse, or fire hall, or any other public building. If that is not in substance and in fact a denial of the right of the freedom of speech, an abridgement of freedom of speech, I do not know what those words mean.

We do not in this measure attempt to deny or abridge the freedom of speech of all citizens. We again enter into class legislation, and, Mr. President, how many people would be affected by the measure?

When we went into the public salary tax bill we found that there were in the neighborhood of 1,200,000 Federal employees, and we found that there were 2,600,000 State employees. So we would be taking about 4,000,000 citizens entirely out of circulation for engaging, not in pernicious political activity, but in legitimate political activity—the making of speeches for a candidate, the contribution of sums of money to carry out the idea a man may possess as to what should be the politics and the political trend of his country.

Mr. MINTON. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Michigan yield to the Senator from Indiana?

Mr. BROWN. I yield.

Mr. MINTON. I think the Senator from New Mexico [Mr. HATCH] takes the position that it would not be denying anyone his constitutional right of free speech or otherwise, but would merely be enacting into law the terms upon which he might be employed. In other words, a man could either quit making speeches for those in whom he believed, and for the cause in which he believed, or starve. He would have the choice of one or the other—giving up his right of free speech, or losing his employment.

Mr. BROWN. Yes; which, in the case of the university professor, is an absolute prohibition, unless he is a man of great wealth.

How far are we going in this matter, Mr. President? I call the Senate's attention to an editorial, or at least a statement, contained on the editorial page of the largest weekly magazine in the United States, the *Saturday Evening Post*, of March 9, the current issue. On its editorial page appears the heading:

We see by the papers.

And under that the following:

A special committee on economic conditions of the San Diego County, Calif., grand jury finding that relief is "fast becoming an intolerable burden to taxpayers"—

And they reached this conclusion:

"Seeking any measure to divorce politics from relief, we suggest"—

And they say with considerable hesitation—and I want to commend them for that hesitation—

"that the simplest and quickest way be to suspend the voting power of the relief client for the period of relief."

I am not saying that that is the view of the *Saturday Evening Post*, but they seem to quote it as a matter of news worthy to be placed upon their editorial page.

Mr. MINTON. Mr. President, will the Senator again yield?

Mr. BROWN. I yield.

Mr. MINTON. If I understand correctly the position of the Senator from Michigan with reference to the proposed legislation, it is that we have approached the solution of the problem from the wrong angle; that we are out fishing for the minnows while the sharks and the barracudas are left at large?

Mr. BROWN. Absolutely. I agree with the Senator from Indiana.

If we carry the ideas of the Senator from New Mexico to their logical conclusion, we can do a great many things we should not do. We can say to the able dean of the Senate that unless South Carolina entirely prevents lynching within the limits of the State of South Carolina, for the next ensuing fiscal year we will not give the cotton farmers of South Carolina a cent of cotton benefits, or benefits of any other kind. If we start on this course, there is no limitation whatsoever upon us except the attitude, which ought to be sensible, of the Senators themselves—the brakes which they would put upon it. There is absolutely nothing to prevent the attempt being made to cajole or coerce a State legislature to do anything the United States Congress wants it to do, regardless of its own views, by a threat of withdrawal of Federal money. It does not need to be connected with the purpose for which the moneys are granted, although there is some remote connection in the present instance.

Mr. President, I was in discussion a few days ago with a very distinguished political scientist of the University of Minnesota. Without any solicitation from me—he came to me last Saturday morning and said, "I want to point out to you the effect of this Hatch amendment upon a considerable class of our citizens," and I think so much of what he said that with a few changes I am going to give to the Senate the substance of what he said to me.

The bill to extend the provisions of the Hatch Act to certain officers and employees of the State, taken up for

consideration on March 4, would in all probability extend to professors, instructors, teachers, officers, and all employees of any educational institution receiving grants from the Federal Government for educational purposes. Certainly the bill would include all professors and employees of the 69 land-grant colleges throughout the country.

I take it that the Senator from Utah [Mr. THOMAS] who, as we all know, was a distinguished professor in the University of Utah—I believe he was when he was elected to the Senate of the United States—would not be here today if the Hatch law had been in effect in 1932. He would have been prohibited from engaging in political activity, assuming that the University of Utah receives money under the Morrill Land Grant Act.

The Senator says that it does not. Well, one of the great schools of my State of Michigan, Michigan State College, receives such money, and sixty-nine-odd universities throughout the country receive it.

I do not know whether or not Princeton University comes within the Morrill land-grant group. But if it does, Mr. President, Woodrow Wilson could not have been elected Governor of New Jersey, and all the splendid men we have taken from various colleges throughout the country would not be here in Washington today. There would not be any "brain trust" for the Republicans to talk about, because all those gentlemen would be ineligible. Am I right or wrong?

SEVERAL SENATORS. Right.

Mr. BROWN. When the Senator from New Mexico was questioned by the junior Senator from Connecticut [Mr. DANAHER], on March 5 he was asked:

Would a professor in a land-grant university or college, for instance, be included within the prohibition of this measure?

The Senator from New Mexico replied:

Yes; he would be. I think he should be.

The fact that the pending measure will extend to the land-grant colleges and universities was taken for granted by another Senator during the course of the debate. The Senator from South Carolina [Mr. BYRNES] on the same day contemplated the possibility that the Civil Service Commission might, under some circumstances, take action to withhold some of the funds of a land-grant university or college. It would be difficult to say how many educational institutions in the country would be affected by this bill in addition to the land-grant schools. If the institutions receiving grants under the Morrill Act would be affected, then it would appear that all schools receiving grants under the Smith-Lever Act of 1914, the Smith-Hughes Act of 1917, and other similar acts relating to instruction and research in agricultural and technical subjects, would be equally affected.

During the first day of the debate in the Senate the Senator from South Carolina assumed that the bill applied to teachers in institutions receiving grants for vocational education. In the debate, on March 7, the Senator from Florida [Mr. PEPPER], and the Senator from Kentucky [Mr. BARKLEY] seemed to hold that all teachers serving in schools partially supported from Federal public funds would come within the scope of the bill.

The proposed law uses the words "any person employed in any administrative position." These words might be held to exclude teachers in universities and other educational institutions of all grades, just as I supposed there was a distinction between, I think it is, section 3 of the bill and section 9 of the bill.

But section 12 (a) of the pending bill extends the scope of the act by the use of language which is much broader and more inclusive. This section begins with the words:

Sec. 12. (a) No officer or employee of any State or local agency who exercises any function in connection with any activity which is financed in whole or in part by loans or grants made by the United States or by any Federal agency shall use his official authority or influence for the purpose of interfering with an election or affecting the result thereof. No such officer or employee shall take any active part in political management or in political campaigns.

Not pernicious political activity, but any legitimate political activity, as heretofore understood.

These words are certainly sufficiently broad to include university teachers, professors, and other teachers throughout the country, including professors in State universities and other State-supported educational institutions.

I am now reading or using in part the words of the gentleman whose name I shall give later:

Professors in State universities and other State-supported educational institutions do not ordinarily think of themselves as officers and employees of the State. They regard themselves, rather, as members of a profession with a high standard of public service.

Certainly they have maintained that position.

They think of themselves as members of the community of scholars, owing allegiance first to their colleagues and the university hierarchy. Yet they are undoubtedly mere State employees, and are thus included in the present bill. They receive their salaries from the general funds of the State, under warrant of the State treasurer. They profited until 1940 from the general exemption of State employees from the Federal income tax.

The Federal funds paid to the land-grant universities and colleges under the Morrill Act in aid of agricultural education are paid into the general funds of the institution. They are, of course, budgeted as belonging to the departments for which the grants were made, but there is no practical way to segregate the funds in order to say that the salaries of only certain professors, or the activities of only certain departments, are in part financed out of Federal funds. The whole institution and all the professors and employees may be regarded as in receipt of Federal funds.

If those assumptions are correct—and I take it from the statements made by the Senator from New Mexico [Mr. HATCH] that they are—all teachers and employees in the land-grant universities and colleges, the numerous State experiment stations, the State departments of education, and in practically all the secondary schools in the country, would be restricted in their right to participate in politics.

Perhaps the members of local school boards, trustees, and regents of the land-grant colleges would be included. According to the language of the bill they would be prohibited from using their official authority or influence for the purpose of interfering with an election or affecting the results thereof. By the amendment offered the other day by the Senator from Missouri [Mr. CLARK] and accepted by the Senator from New Mexico [Mr. HATCH], no appointed regent of a State land-grant college could run for office to succeed himself. Under the original proposal of the Senator from New Mexico [Mr. HATCH] they might possibly have been excluded; but under the Clark amendment every one of them is included. The amendment would not apply in my State, because we elect the regents of the University of Michigan, and we elect the State board of agriculture, which runs the Michigan State College. Those are large institutions, Mr. President. One of them has 12,000 students, and the other has approximately 6,000 students. None of those regents could be a candidate to succeed himself, because he would be engaged in politics—legitimate politics, I say. The Senator's bill makes them guilty of engaging in pernicious political activity.

By the language of the proposed law such teachers, college professors, and so forth, would further be prohibited from taking any part in political management. Many university and other teachers have long regarded such activities as legitimately belonging to them as intellectual leaders in the communities in which they live. Many professors have served with distinction as officers of political parties, members of party committees, and delegates to conventions. Probably one of the greatest engineers in the United States is the dean emeritus of the College of Engineering of the University of Michigan, Mortimer E. Cooley, a well-known man who has done much at the request of this administration. In 1930 Dean Cooley was a candidate on the Democratic ticket for the office of United States Senator. Dean Cooley could not have been a candidate for office if the provisions of the Hatch bill had been in effect. We are excluding from participation in politics the very highest class of our citizens; men who perhaps ought to interest themselves more in government than they now do.

Mr. MURRAY. Mr. President, will the Senator yield?

Mr. BROWN. I yield to the Senator from Montana.

Mr. MURRAY. If the teachers and professors to whom the Senator has been referring were excluded from political activities, would we not be excluding practically the only persons in the various States who would be competent to discuss educational problems or problems with reference to bond issues for schools, and so forth?

Mr. BROWN. Yes. The Senator makes a telling point along that line.

The entire Department of Health of the State of Michigan is obtained from the department of medicine in the University of Michigan. If the present bill, as amended, is passed, the Governor of my State may not take a professor from the State university and put him into office as the head of the board of health and have him thereafter say anything whatever in favor of the Governor who chose him.

At times professors have rendered valuable public service as members of committees to advise political parties on matters of policy by giving educational lectures to assemblies on party measures. I do not understand that Mr. Frank now has any connection with the University of Wisconsin; but he is chairman of the policy-forming committee of the Republican Party, and it is a mere accident that he is not now president of the university. As president of the university he would be prevented from engaging in that kind of political activity by the provisions of the pending bill.

The scholar in politics is not as common a figure in America as in certain other countries, but there have been outstanding examples, such as Woodrow Wilson, and the revered Senator from Utah [Mr. THOMAS]. Many Members of the House and Senate have seen service in the teaching profession.

There are always some members of the teaching profession who value highly the right to participate in politics. They see no inconsistency between sincere partisanship in politics and impartiality in scientific judgment. There is in fact no contradiction between the two things.

The most inclusive organization of teachers in the higher schools, the American Association of University Professors, fully recognizes, in its statement of principles adopted in 1938, that the teacher has certain rights as a citizen which are essential to his professional achievement.

The college or university teacher is a citizen—

This association has declared—

a member of a learned profession, an officer of an educational institution. When he speaks or writes as a citizen, he should be free from institutional censorship or discipline, but his special position in the community imposes special obligations.

While the association has never made an official declaration covering the specific issue raised by the proposed legislation, it is plain from the foregoing that scholars value highly their right to their own political ideas and hope to preserve the right to express and advocate those ideas in every way consistent with democratic principles.

Mr. CHAVEZ. Mr. President, will the Senator yield?

Mr. BROWN. I yield to the Senator from New Mexico.

Mr. CHAVEZ. Along the line suggested by the Senator from Michigan, let me say to the Senator that our State university is a land-grant college. We have two normal schools in our State which are land-grant colleges. Our school of mines is a State land-grant college. Our school for the deaf and blind is a land-grant college.

Mr. BROWN. The Senator's colleague states that all of them are subject to the provisions of the bill.

To note a specific example, a political scientist, as a part of a legitimate research program, might wish to serve as a watcher at the polls. Projects of this character have actually been conducted, in which both teachers and students have participated, with excellent results in exposing electoral malpractice. Again, a political scientist, in a genuine desire to assist his chosen party as well as to lend a touch of reality to his teaching and writing, might wish to offer his services for a time to the party headquarters.

Social scientists might, in genuine public spirit, feel disposed to offer their services in the research and educational activities which our political parties are beginning to sponsor. Some, if not all, of these perfectly legitimate enterprises would, under the proposed legislation, result in the end of the professional careers of those concerned.

In other words, under the Senator's bill, they could quit their jobs if they wanted to, but they must quit them if they desire to express their opinions where they will do some good in a political campaign. Certainly, as I said a while ago, Mr. President, that is an abridgement of the right of free speech.

The most important objection to the proposed legislation from the point of view of the teaching profession does not, however, arise from a desire to preserve the freedom of action of teachers in extra-mural affairs. The possible effect upon academic freedom within the classroom is much more important. Teachers—and I call particular attention to this—would be in constant fear that their remarks might be interpreted as advocacy of a particular party or candidate. Historians and political scientists would have to trim close in their discussions of political campaigns and party platforms.

Teachers in Michigan, for example, would be subject to the possible danger of having the Civil Service Commission come into the State of Michigan, and say that Professor So-and-So in November or October of 1940 expressed an opinion to his classes, some of the members of which may be voters, in which he indicated that one of the principles in the Democratic platform was right. Therefore, because he had done this, the long arm of the Federal Government would reach down and say to the college or university, "If you want to continue to get money from the United States you have got to discharge that college professor; he cannot teach there any longer." Who does that? A bureau here in Washington, the Civil Service Commission, that has no connection whatsoever with the University of Michigan. That, Senators, as near as I can recollect, is the most extreme proposal for intrusion of bureaucracy in the affairs of a State that I have ever seen seriously contemplated in a legislative body.

Since anyone can complain of an alleged violation to the enforcing authority, there would be danger of the development in every university and college of a system of espionage comparable to that which developed in the German universities after the national socialists came into power.

In other words, if the Civil Service Commission should do its full duty, that is, enforce the law, then it ought to have another group such as Edgar Hoover's operatives, to go to the University of Michigan and attend the classes conducted by professors who might be suspected of expressing political opinions in their classrooms.

Every disgruntled student, suffering, perhaps, a supposed unjust grade on an examination or essay, would be sorely tempted to tell tales out of school. The proposal has appalling prospects of promoting wholesale corruption of student morals and character assassination of teachers.

Mr. LUCAS. Mr. President—

Mr. BROWN. I yield to the Senator from Illinois.

Mr. LUCAS. Does the Senator from Michigan care to make any observation or express any opinion as to what he believes might happen to a political scientist in universities under this bill?

Mr. BROWN. It is my judgment that Prof. Charles E. Merriam, who headed the political science department of the University of Chicago, would have been pretty seriously handicapped in his campaign for mayor of the city of Chicago. I see no basis upon which any teachers of political science could express their own convictions. The great authority on the tariff, Professor Taussig, of Harvard, for years in Harvard University preached the doctrine of low tariffs and pointed out the danger of high protective tariffs to his classes and in his lectures outside the university and in all his works. If he, after this bill was enacted, protested against what he thought was a pernicious protective tariff, he could be condemned; he could not hold his job in Harvard, that is, assum-

ing that Harvard is a university which is assisted by the United States Government.

Mr. LUCAS. Mr. President—

Mr. BROWN. I yield.

Mr. LUCAS. I will say to the Senator that I had the latter question in mind rather than the former. In other words, I think the teacher in a political science department would certainly be curtailed, if this bill should become a law, in expressing any opinion to those to whom he was teaching a certain type of political philosophy.

Mr. BROWN. Absolutely; the Senator is correct; and that is the main burden of my remarks.

Quite apart from the possible effects upon individuals, the proposed law contains an ominous provision for educational institutions. The prospect of the Civil Service Commission sitting in judgment over some great State university, with power to withhold some or all of the Federal funds provided by law, is not an inspiring one, to say the least. The university might be called upon to answer for the actions, perhaps, of some irresponsible underling. The institution—and, indeed, the whole people of the State—might be made to suffer because of the curtailment of funds. Moreover, the Civil Service Commission would have power to order the discharge of the professor or employee involved. This would be regarded by all concerned as an unwarranted invasion of the right of a university to control its own affairs. To discharge a professor because of political activity would be a violation of the long-settled rules and practices of academic tenure. If a university should accede to such a demand of the Civil Service Commission, it would be faced with bitter protests from its own faculty and would, undoubtedly, be "blacklisted" by the American Association of University Professors. The author of this measure probably did not perceive its probable ill effects upon educational institutions and the teaching profession.

Mr. President, much, in fact, most, of these remarks are the views of a well-known educator, Prof. Joseph R. Starr, department of political science of the University of Minnesota.

I wish to conclude with two observations: First, the activities of Government employees and of State employees, which we ought to condemn—and we, as the legislature of the United States, ought not to take such action in the case of State employees—is just what the title of the bill condemns—namely, pernicious political activities.

I think the author of the bill, in the interim which I hope is coming before we finally vote on the measure again, ought to search his mind and ask himself if he is not condemning an entire class of a million and a quarter Government employees, and possibly 2,600,000 State employees, because of the bad political activity of some few State employees? Everything that is pernicious in political activity is now specifically condemned under the laws of the United States. Most of such activities are specifically condemned by the Hatch Act, which was passed last August. But now the Senator goes way beyond that and throws out a great dragnet in which he seeks to gather every Government official, no matter how legitimate his interest in politics may be.

Mr. STEWART. Mr. President—

Mr. BROWN. I yield to the Senator from Tennessee.

Mr. STEWART. The Senator has been discussing an important phase of this measure with regard to its effect on land-grant colleges. I should like to call the Senator's attention to a bill which has been pending in the Congress since last July, Senate bill 2510, which has been introduced for the purpose of authorizing the appropriation of a certain amount of money to be paid to the various States of the Union for the purpose, as provided in the bill, of assisting the States to maintain kindergarten schools. The bill provides that when the money is put into the treasury of each State it is to be managed and controlled entirely by the State board of education.

I do not know whether the Senator has given any thought to the bill to which I have referred, but I am wondering whether or not, if the pending bill should pass, the entire school systems of every State in the Union might be in-

cluded under the Hatch bill, that is, at least the teachers who are employed in these schools and who are State employees might be drawn under the provisions of the bill.

Mr. BROWN. Certainly, I will say to the Senator from Tennessee that under the general theory of this bill, if pursued to its logical conclusion, the teachers to whom the Senator is referring would be included within the provisions of the bill.

Mr. STEWART. I am interested in the kindergarten bill because I have had a great many communications from my State and, as a matter of fact, letters from a few other States about it. There seems to be a rather widespread interest in the measure, and it is on the Calendar of the Senate at this session. I was, of course, thinking of the extent to which the bill would go, if it should become a law, with reference to money being paid by the United States Government into the educational fund of a State, or into a State treasury, to be disbursed and handled by the State board of education without control of any sort on the part of the Federal Government—money that is placed in the fund out of which the high schools and grammar schools of the State are already being maintained and operated.

We may have a very far-reaching thing ahead of us in this respect. If every school teacher in every State of the Union is to be affected by this measure, I think it certainly is entitled to even more serious consideration than it has received, because the same argument which the Senator has made with respect to teachers in land-grant colleges would apply to teachers in the public schools of the States if the bill should be enacted.

Mr. BROWN. I thank the Senator from Tennessee.

Let me read into the RECORD for consideration a proposed amendment, and then I will send it up and ask that it be printed and lie on the table for future consideration.

Particularly referring to the matters I have been discussing, I propose, following section 15, to add a section to be known as section 16, as follows:

Nothing in this act shall be construed as in any way affecting educational, religious, eleemosynary, philanthropic, or cultural institutions, establishments, and agencies, together with the officers and employees thereof.

That would adequately take care, I think, of the group to which I have been referring.

Mr. President, like the amendment I proposed last Friday, this amendment is proposed in the event we enact—and just think of the Democratic Party being responsible for enacting—a measure which will invade the rights of all the 48 States of the Union, and legislate respecting the tenure of office of their employees and their conduct. I should not have submitted the amendment I submitted last Friday if I had not thought it was a logical extension of the principle upon which the pending Hatch bill is based. I think there should be no Hatch bill. I think that if we could do so we ought to eliminate the prohibition contained in the present law against legitimate political activity. But if we are going to have this amendatory measure, then I say to you that we ought to cover all other classes of persons such as contributors to political campaign committees which I discussed last Friday.

Mr. CHANDLER. Mr. President—

Mr. BROWN. I yield to the Senator from Kentucky.

Mr. CHANDLER. It seems to me the Senator has been arguing from the standpoint of the bill being a sword, and has been missing the point of its being a shield.

For several years I have been the chairman of the board of trustees of a land-grant college of one of the universities of the country. Not only are 98 percent, I should say, of the professors of the university desirous of being relieved of the feeling that they have to be on one side or the other in political campaigns, but if the Senator has ever had the experience of having a political circular get into the hands of one of these professors, and having him complain and take it forthwith to the newspapers and show what one side or the other was trying to make him do against his wishes and against his

will, it is my observation that the Senator has not heard any squalling such as he would hear if he tried to get one of them to contribute to a political campaign on one side or the other. [Laughter.]

I think the Senator misses the point, to this extent: I do not agree with him that under this measure, if the Governor of a State wanted to bar a tax collector from the professorship of a university, as we do in Kentucky, and have him administer the tax laws of the State, that would be in violation of the Hatch Act.

Mr. BROWN. Let the Senator understand what I was talking about. I said that if the Thomas amendment were adopted—and the Thomas amendment is a logical extension of the Hatch Act to the class of politicians who are on the outside trying to get in—and a university professor had in any way participated in politics within 2 years before the election, the Governor could not take him from the university and put him in charge of tax collections.

Mr. CHANDLER. I understand. I believe, however, the people of the country would like to know whether the professors and the school teachers are going to be professors and school teachers or whether they are going to be politicians. I think that is an important question when we consider that the Congress appropriates money for the land-grant colleges under the Smith-Hughes Act, the Lever Act, and the other acts which the Senator has mentioned. When the Congress appropriates money to professors to be spent for the education of the young men and young women of America, it is my feeling that the people of the country want that money to be contributed without any requirement that the persons receiving it shall play politics in order to keep their jobs.

Mr. BROWN. Does the Senator find in the law any requirement that they shall play politics?

Mr. CHANDLER. No; but—

Mr. BROWN. That seems to be the burden of the Senator's remarks. We are talking about their liberties, their right to do things they want to do, and the restriction upon those rights.

Mr. CHANDLER. Does the Senator construe section 12 to limit the right of a man to vote for one side or the other in a political campaign?

Mr. BROWN. Not at all; but it does limit his right to be a candidate for office.

Mr. CHANDLER. He has to make a choice whether he is going to be a professor or a candidate for political office, and he ought to make that choice.

Mr. BROWN. Yes; and he has to give up his job on the doubtful chance of being elected to office. Suppose he were a Republican candidate in the Senator's State of Kentucky. The Senator knows that he would not stand much chance of being elected; but before he could be a Republican candidate he would have to give up his job. He would have to resign.

Mr. CHANDLER. On such a hopeless prospect for a job in the future, he ought to be required to give up his job. There is no question about that. [Laughter.]

The point I want to make, however, is that 98 percent of the professors and school teachers want to stay out of politics. They have taken a profession for life. They receive money from the Federal Government and from the State. They want to teach school. The Senator views this measure as a sword, while I view it as a shield. I think it is a protection to such persons.

Mr. BROWN. I will say to the Senator that I do not know much about the University of Kentucky, although I have met the dean of the medical school of that university, who happens to summer on the Straits of Mackinac, where I live; but there is nothing in the bill which compels such persons to engage in politics. We in Michigan, so far as I know—and I am fairly familiar with the situation—have never passed the hat among the professors of the University of Michigan or of Michigan State College. We do not do that. What I am saying is that if such a man wants to make a political speech in a campaign, or if he wants to

contribute to a campaign, he has a right to do it. We do not compel him to do anything.

Mr. CHANDLER. The act says "official authority." Does the Senator construe that to mean official authority or political influence?

Mr. BROWN. Oh, no; I have not the slightest objection to anything the Senator has in his bill respecting the use of official authority. I am talking about the provision of the bill which says that all political activity is condemned on the part of any State official—not the use of official authority, but the use of his time when he is not working for the State when he is off duty.

Mr. CHANDLER. I will say to the Senator from Michigan that I am certain that the people of the country are watching what we do in regard to this bill. It is my opinion that they are watching to see—and, to my mind, that is the real issue involved—whether we are going to continue to appropriate money for public health and public schools and public charities, and say to those who receive it, "You must contribute to political campaigns," or "You must play politics."

Mr. BROWN. The Senator does not mean that at the present time there is anything in the law or in the practice which makes professors in universities contribute to political campaigns?

Mr. CHANDLER. No; but many of them feel an urge to do so which they will not feel if this measure is passed.

Mr. BROWN. They do not in Michigan.

Mr. CHANDLER. The Senator argues from the standpoint of the measure being a sword, while I argue that it is a shield; that it gives these persons protection and also guarantees that in the future the money of the people of the United States will not be used for politics, but will be used for the purposes for which Congress appropriates the money.

Mr. BROWN. Let us lay aside the matter of political contributions. Does the Senator think the teachers in the University of Kentucky desire to be muzzled because they happen to hold positions as teachers in the university?

Mr. CHANDLER. This bill does not muzzle them, and the Hatch Act does not muzzle them.

Mr. BROWN. Oh, yes; the bill does. It says they may not engage in political activity; they may not engage in a political campaign; they may not make political speeches in a campaign; they may not make contributions to political campaigns.

Mr. CHANDLER. They do not want to make contributions to political campaigns.

Mr. BROWN. That may be so; but certainly they do not want their liberty of speech taken away from them. I think the Senator entirely misconstrues the measure.

Mr. CHANDLER. The Senator from Utah [Mr. THOMAS] will agree that whenever we find a professor in a college who is taking part in politics, or someone connected with a school like the man who gave the Senator the information he has just given to us, he is a man who ought to be in some other business than a professorship in one of the colleges of America.

Mr. BROWN. That is not very complimentary to the Senator from Utah. He came directly from the University of Utah to the Senate of the United States, and we are all very happy to have him here. I do not believe that could have happened if the Hatch bill had been on the statute books.

Mr. CHANDLER. The Senator from Utah said he was not a professor in a land-grant college.

Mr. BROWN. But he was a professor in a college which undoubtedly is gaining some benefits from the Treasury of the United States, and I do not want to make it doubtful whether or not the Senator from Utah could have come here. I do not wish to put him under a cloud by saying that what he did away back there was pernicious political activity. That is just what we are asked to do by passing the Hatch bill.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Calloway, one of its reading clerks, announced that the House had

disagreed to the amendments of the Senate to the bill (H. R. 8319) making appropriations for the Departments of State, Commerce, and Justice, and for the judiciary, for the fiscal year ending June 30, 1941, and for other purposes; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. McANDREWS, Mr. RABAUT, Mr. CALDWELL, Mr. KERR, Mr. HARE, Mr. CARTER, Mr. STEFAN, and Mr. WHITE were appointed managers on the part of the House at the conference.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the President pro tempore:

S. 1449. An act for the relief of Robert Stockman;

S. 1998. An act for the relief of Ernestine Huber Neuheller;

S. 2284. An act to amend the Act of May 4, 1898 (30 Stat. 369), so as to authorize the President to appoint 100 acting assistant surgeons for temporary service; and

H. R. 7863. An act to amend section 602 (e) of the Communications Act of 1934, as amended, relating to a study of radio requirements for ships navigating the Great Lakes and inland waters of the United States.

EXTENSION OF ANTIPERNICIOUS POLITICAL ACTIVITIES ACT

The Senate resumed the consideration of the bill (S. 3046) to extend to certain officers and employees in the several States and the District of Columbia the provisions of the act entitled "An act to prevent pernicious political activities," approved August 2, 1939.

Mr. HATCH obtained the floor.

Mr. THOMAS of Utah. Mr. President, will the Senator yield in order that I may suggest the absence of a quorum?

Mr. HATCH. I yield.

Mr. THOMAS of Utah. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Davis	Johnson, Colo.	Russell
Andrews	Donahay	King	Schwartz
Ashurst	Ellender	La Follette	Schwellenbach
Austin	Frazier	Lee	Sheppard
Bailey	George	Lodge	Shipstead
Bankhead	Gerry	Lucas	Smith
Barbour	Gibson	McCarran	Stewart
Barkley	Gillette	McKellar	Taft
Bilbo	Glass	McNary	Thomas, Idaho
Brown	Green	Mead	Thomas, Okla.
Bulow	Guffey	Miller	Thomas, Utah
Burke	Gurney	Minton	Townsend
Byrd	Hale	Murray	Truman
Byrnes	Harrison	Neely	Tydings
Capper	Hatch	Norris	Vandenberg
Caraway	Hayden	Nye	Van Nuys
Chandler	Herring	O'Mahoney	Wagner
Chavez	Hill	Overton	Walsh
Clark, Idaho	Holman	Pepper	Wheeler
Clark, Mo.	Holt	Pittman	White
Connally	Hughes	Reed	
Danaher	Johnson, Calif.	Reynolds	

The PRESIDING OFFICER (Mr. CHANDLER in the chair). Eighty-six Senators having answered to their names, a quorum is present.

Mr. BROWN. Mr. President, will the Senator from New Mexico yield to me a moment?

Mr. HATCH. I yield.

Mr. BROWN. I ask unanimous consent that I may modify the pending amendment by inserting in line 3, page 1, after the word "stockholder," the words, "having an interest worth over \$25,000", and inserting the same words in line 5, page 2, after the word "stockholders."

The PRESIDING OFFICER. Without objection, the amendment will be modified as requested.

Mr. HATCH. Mr. President, the discussion which has gone forward during the past several days, in my opinion, concerns things which are not included in the pending bill, and were never intended to be included in it, and the bill will have none of the effects about which Senators have manifested so much concern. I wish to speak briefly today about some of the things which are not included in the bill,

but which Senators repeatedly declare are prohibited by the bill.

The argument which was made this morning, and those which have been made throughout the week, as to the curtailment or abridgment of the constitutional right of freedom of speech, has been answered over and over again, not by me—my word might not be important in construing constitutional provisions—but they have been answered in words such as those I quoted last week from Oliver Wendell Holmes, a man whose ability and whose liberal views I am sure no one will doubt, whose words dispute any idea that this class of legislation curtails the right of freedom of speech.

More than that, Mr. President, to make assurance double sure at the last session that no such right should be curtailed, in the bill we then passed we expressly provided that all persons should have the right to express their opinions on all political subjects, and the word "privately," which appears in the civil-service rule, was deliberately stricken out, and the President of the United States, in commenting on that fact in his message, pointed out that there was involved in the legislation no curtailment or abridgment of the right of freedom of speech.

Mr. MINTON. Mr. President, will the Senator yield?

Mr. HATCH. I yield.

Mr. MINTON. There is no doubt that anyone coming within the provisions of the proposed law could not go out in a political campaign and make political speeches, is there?

Mr. HATCH. The Senator is quite correct.

Mr. MINTON. To that extent there is a curtailment of the right of freedom of speech, although it may be, as the Senator has stated, a constitutional curtailment.

Mr. HATCH. It is a waiver of his right when he accepts the conditions attached to his employment. As I have stated, those words are not my words; they are the words of Justice Holmes.

Mr. MINTON. Mr. President, will the Senator yield?

Mr. HATCH. I will yield only once more, because I have very little time.

Mr. MINTON. It merely comes down to this, that a man can give up his right of free speech and hold his job; in other words, he can starve or speak.

Mr. HATCH. Not at all. No such statement was made, and no such interpretation can logically be placed on the bill. It is just as extreme as the statement that all political activities are banned, which statement has been made, and was made by the Senator from Michigan just now, and I think the Senator from Indiana has made the statement—though I am not sure he has—that all political activity is banned by the bill.

Repeatedly the provisions of the bill have been made clear; again I say, not by my words but by interpretations, instructions, and rulings which have already been made with respect to the act. I said last year, and I said in explaining the pending bill, and I have said time and time again, that the language prohibiting political activity and management of political campaigns was adopted and used simply because that language has been in effect in this country for more than 50 years. It has been construed and interpreted over that period of time as it affected the vast majority of Federal employees. I did not want to use different language, which would cause different interpretations, but I wanted to use the same language, and it has not been difficult to apply. I have in my hand the printed rules and interpretations which have been made with respect to that language over this period of years.

Mr. BROWN. Will the Senator put them in the RECORD?

Mr. HATCH. They have been put in the RECORD time and time again. However, I will place them in the RECORD again when I conclude my remarks.

I want to come now to the subject of political contributions. The ruling on that subject has been mailed to practically all Federal employees in the United States in order that they may know what it is. It is as follows:

Voluntary contributions to campaign committees and organizations are permitted. An employee may not solicit, collect, or receive contributions. Contributions by persons receiving remuneration from funds appropriated for relief are prohibited.

That is a clear-cut statement, an interpretation of the civil-service rule which has been in effect for more than 50 years, construing language identical with that contained in the pending measure. But that is not all.

Mr. BROWN. Mr. President, will the Senator yield at that point?

Mr. HATCH. I yield.

Mr. BROWN. That, of course, is what the Civil Service Commission says the law means. That is not the construction of any district court, circuit court, or of the Supreme Court.

Mr. HATCH. Of course, I understand that, and that is what bothers me sometimes. People talk about this terrible, awful law as though there were some criminal penalty imposed. The only penalty is the administrative one of loss of job; and listen to what is said by the departments which enforce that provision, and the ones which would be compelled to execute it, which have ruled as the Civil Service Commission has ruled and have told their employees that it is not against the law to make voluntary contributions.

Mr. MINTON. Mr. President, will the Senator again yield?

Mr. HATCH. I yield.

Mr. MINTON. The Senator from Connecticut has offered an amendment which provides that an appeal can be taken to the courts. Even though we concede that the Senator from New Mexico has correctly quoted for the RECORD the rules and the construction put upon the law by the Civil Service Commission, it does not follow that that is the construction which must be placed on the pending measure.

Mr. HATCH. Does the Senator want me to give a bond or guaranty? I cannot do that. But I can tell the Senate what the Attorney General of the United States has to say about it.

Mr. MINTON. That would be an opinion.

Mr. HATCH. Yes; but it is the opinion of the highest legal officer of the Government. Yet it seems it should not be persuasive in argument or debate.

Let us see what is said by the Department of Agriculture, which is one of the departments charged with the duty of enforcing the proposed amendment to the law, one of the departments which would discharge an employee if he made an illegal contribution.

Voluntary political contributions or payments by officers and employees, if not made to others employed by the Government or to incumbent Members of Congress, are not unlawful.

They are talking about the present act. That is what they said about it. Does the Senator from Indiana think that someone in the Department of Agriculture is going to lose his job simply because he makes a voluntary contribution, when his own superior tells him he can do so? Such an argument would be ridiculous, just as most of the arguments which have been made along this line have been ridiculous.

Mr. MINTON. Mr. President, will the Senator yield?

Mr. HATCH. I yield.

Mr. MINTON. I think, if the Senator pleases, the present law would prevent such an employee from contributing to the campaign fund of an officer who is running for office.

Mr. HATCH. That is the reason the Department made that exception, pointing out that they cannot contribute to other employees or those running for office. One Federal employee cannot contribute to another Federal employee. The Department points out that that would be unlawful. But otherwise voluntary contributions are not prohibited. All the argument that the Senator from New Mexico is trying to get the \$2 man is absolutely absurd.

Mr. BANKHEAD. Mr. President, will the Senator yield?

Mr. HATCH. I yield.

Mr. BANKHEAD. I should like to know why the Senator is bringing the \$2 man under this law if he is not intending to punish him.

Mr. HATCH. I intend to keep him out of pernicious political activity, but not legitimate political activity.

Mr. BANKHEAD. The Senator must recognize that there is a very broad distinction, and also the question of who is

the judge. If a Republican is passing on the question, as a superior officer, and the little \$2 fellow is a Democrat, or vice versa, who knows the correctness of the political decision which may be rendered?

Mr. HATCH. The Senator, as a lawyer, knows that when language has been interpreted over the years, as this language has been, certain definite standards and meanings are set up, and when it is said by the Congress of the United States and on the floor, and in the reports, that that language is used because it has been so interpreted, there is every reason in the world to believe that the courts, if the question ever got there, would give that self-same interpretation.

Mr. BANKHEAD. I hope the Senator will go back and make a little clearer answer to me as to why he wants to bring the little \$2 man under the penal provisions of this measure if he has no intention of subduing him, oppressing him, and intimidating him, or permitting his superiors to do so.

Mr. HATCH. I have spoken on this subject many times.

Mr. BANKHEAD. The Senator has not spoken on that particular point.

Mr. HATCH. I have spoken on that point many times. I read to the Senate what Grover Cleveland said on the subject, and what Thomas Jefferson said on the subject, and what Woodrow Wilson and Abraham Lincoln said on the subject, and what practically every Democratic platform that has ever been written has said on this subject.

Mr. BANKHEAD. I have never heard any of the gentlemen quoted as dealing with the point I am talking about, because I do not think any effort has ever been made before to apply a penal law to the little man such as this seems to me to be. I have heard quotations made about corruption in elections, and we all agree to what they said, but the application of the law here is the problem involved.

Mr. HATCH. Thomas Jefferson issued an Executive order prohibiting the employees of the executive branch of the Government from participating in elections, declaring that it was a denial of the constitutional processes for them so to do, and that it threatened to smother the elective processes under the enormous power of the Federal patronage, and he provided as a penalty the removal of the person or employee who did so.

The first bill along this line was introduced in the Senate over a hundred years ago and provided much more stringent penalties than the pending bill does. I appreciate the good faith of the Senator from Alabama, but I say to him that he has not fully studied this subject. If he had, he would not have made the statement which he has just made. He apparently has not studied the platforms of the Democratic Party in which we pledged ourselves to do the very things which this bill seeks to do, not once, but many times. Always, however, I am sad to say, those pledges were made when the Republican Party was in power, and we were condemning the Republicans for doing that thing. Now that we are in power, I regret that it is Democratic Members of the Senate who are not backing this measure. The Senator from Michigan [Mr. BROWN] said, "Think of the Democratic Party sponsoring this."

Mr. President, after listening to the remarks of the Senator from West Virginia [Mr. NEELY] the other day—and I wish the Senator from Alabama would read them, and draw from them the scenes from that State which he brought before the Senate—I cannot see how any Democrat who values the principles of his party, and the things we have been declaring for time and again, can fight this mild gesture, for that is all this bill is, against the sort of thing the Senator from West Virginia brought before us the other day.

Mr. BANKHEAD. Mr. President, will the Senator yield?

Mr. HATCH. I yield.

Mr. BANKHEAD. I did not have the pleasure of hearing the Senator from West Virginia [Mr. NEELY], but I am sure the Senator will agree that the first eight sections of his original bill cover everything he is condemning on the floor.

Mr. HATCH. Mr. President, not so. The ninth section is required to complete that measure, and that section is required today to carry it on. Then, after that, much more

legislation and stronger legislation is required to do the thing I want to do.

Mr. President, I was amazed at the argument made by the Senator from Michigan against the invasion, as he says, of State rights, after he had offered his amendment to this bill, which he said the other day he offered in all good faith. I question not that good faith. I ask how anyone who holds the views which he holds could propose the amendment he did? I do not know how he has modified it. It may reach what I am talking about now.

Mr. BROWN. I have modified it, I will say to the Senator, by confining it to stockholders having a \$25,000 interest.

Mr. HATCH. The amendment is now confined to stockholders having a \$25,000 interest, so the Senator says. But that only changes the degree. If a person owned a \$25,000 interest in the Ford Motor Co., we will say, in the Senator's own State, and the Ford Motor Co. happened to have a contract to sell the Government some trucks, and pending that contract, if this one little stockholder happened to participate actively in politics, would he lose his job, under the provisions of the Senator's amendment as originally offered by him?

No. He would be guilty of a criminal offense, and would be subject to fine and imprisonment.

Mr. WALSH. Mr. President, will the Senator yield?

Mr. HATCH. I yield.

Mr. WALSH. To me the issue in this bill which bears the Senator's name is a very simple one. I should like to ask the Senator a few questions, the answers to which may clarify the intentions and review our past effort for clean politics.

Mr. HATCH. Certainly.

Mr. WALSH. First of all, each time we have had a Senatorial election contest we have discovered that our corrupt-practice laws were limited, and they have been amended. Since the large expenditure of money by the Federal Government in recent years for relief work we discovered that attempts were made to exploit persons on relief for political purposes; and legislation has been enacted to prevent such attempts. Is that correct?

Mr. HATCH. That is correct.

Mr. WALSH. Last year the Senator from New Mexico was the promoter of a measure to go a step further and place restrictions and limitations upon political activities of employees of the Federal Government paid from the Federal Treasury. That was the basis of the legislation known as the Hatch Act. Is that correct?

Mr. HATCH. That is correct.

Mr. WALSH. As I understand, all the Senator is now asking for, stripped of all amendments and attempts to confuse and divert the issue, is that the error or the wrong—if there be one—in the diversion of Federal funds to individuals for what we may think are improper political activities be corrected. It is clear that when a Federal employee receives his money from the Federal Treasury we have such power, and we have already declared that he shall keep his hands off certain kinds of political practices. The proposal now before the Senate is to apply to the State employee who receives some or all of his money from the Federal Treasury the same limitations and restrictions that are applied to Federal officeholders who receive all their money from the Federal Treasury. Is not that the sole issue involved?

Mr. HATCH. That is entirely correct.

Mr. WALSH. Is not the question whether we wish to limit election activities to those who receive all their money from the Public Treasury, or whether we wish to apply the same principles and the same limitations and restrictions to persons in State employment who receive some or part of their money from the Public Treasury?

Mr. HATCH. The Senator is entirely correct.

Mr. WALSH. Is any other issue involved?

Mr. HATCH. I think not.

Mr. WALSH. Is not the Senator's sole purpose to amend the original law so as to make applicable to those who receive

employment from the Federal Government through State governments by way of a contribution in whole or in part from the Federal Government the principles and restrictions imposed in the original act?

Mr. HATCH. The Senator is entirely correct.

Mr. BROWN. Mr. President, will the Senator yield?

Mr. HATCH. I regret that I cannot yield now.

I wish to say, in line with what the Senator from Massachusetts has said, that, stripped of everything else, the bill, instead of invading States rights, protects the rights of the States. We merely say that the funds contributed by the Federal Government shall not be used for political purposes. That is all we say. We do not say to the States, "Your employees may not function as you wish." The States have the full right to do whatever they desire. We merely indicate to the States that we do not want our funds used to build up political machines, and that we wish to apply to certain State employees the same penalties now applied to Federal employees, which penalties amount to almost nothing. That is the sum and substance of the whole matter.

Mr. WALSH. I thank the Senator.

Mr. President, briefly stated, the pending bill and the various amendments which have been offered to it all relate, it seems to me, to a proposition which at heart is exceedingly simple. It is a proposition which bears very directly upon the basic principles of democratic government. It is the question whether elections shall be the free expression of the will and the sentiments of the voters or shall be colored, and perhaps controlled, by an army of officeholders and the beneficiaries of governmental bounties.

Experience in the 1936 and 1938 elections clearly revealed inadequacies in the Federal Corrupt Practices Act as it then stood and the need for additional legislation. A review of the hearings and the report of the Sheppard committee of 1938, of which I was a member, will furnish abundant evidence to support the pending Hatch bill.

Congress at the last session enacted a bill which bore the name of the senior Senator from New Mexico, and which sought to ban political activity by Federal Government employees and at the same time to protect recipients of unemployment relief and other Federal aid from political exploitation.

I strongly favored the original Hatch bill, and I similarly favor the amendment to the present law contained in the pending bill as reported to the Senate.

The bill now before us prescribes no new policy. It is not drastic. The principle involved has been well established. It proposes only to forbid political activity by State employees paid wholly or in part with Federal money. In practical effect, it seeks to deny the use of Federal funds for the support of State political machines. What the States themselves should do or may do with respect to circumscribing the political activities of their own employees paid entirely with State funds is a State affair, and not properly within the province of the Federal Congress. But certainly sound public policy requires that all persons whose salaries are paid either in whole or in part out of the Federal Treasury should be on the same footing, whether they be directly employed by the Federal Government or indirectly employed through the States with Federal funds.

The pending amendment, offered by the junior Senator from Michigan [Mr. Brown], goes far afield, and in my judgment is not in harmony with the purpose of the Hatch bill. I deplore the other amendatory proposals, which, it seems to me, were intended either to impede the passage of the pending bill or to make the bill a vehicle for destroying the effective provisions of the present law. I believe we should proceed without delay to a final vote on the pending bill.

Mr. HATCH. Mr. President, the Senator from Michigan [Mr. Brown] wished to ask a question. I now yield to him.

Mr. BROWN. Mr. President, I wish to point out to the Senator from Massachusetts that he expresses almost entirely my own view when he refers to the politics that should be condemned by the bill as "improper political activities."

If the Senator from New Mexico had such a provision in his bill, outside of my objection on the ground of invasion of State's rights, I should not seriously object to it. However, the Senator condemns proper political activity when he condemns all political activity; and that is what a great many of us object to.

Mr. HATCH. I repeat, we do not condemn all political activity, and we never have done so.

Mr. WALSH. Mr. President, will the Senator yield?

Mr. HATCH. I yield.

Mr. WALSH. Let me make another suggestion: Is not the theory behind the bill that Democrats and Republicans, rich and poor—people of every standard in life—contribute to the salaries of administrative officers of this Government, and they ought not to participate in elections but ought to keep aloof from political activities? Likewise, officials in States who receive money from the Federal taxpayers ought to keep out of politics—at least, improper politics—and mind their own business and let the public, and not political officeholders, run elections. Let the people, and not officeholders, manager, direct, and decide elections.

Mr. BROWN. Mr. President, will the Senator yield?

Mr. HATCH. I yield.

Mr. BROWN. The Senator from Massachusetts cannot express himself without using the expression "improper politics." That is what we are complaining about. However, the bill prohibits any political activity.

Mr. GEORGE. Mr. President, will the Senator yield?

Mr. HATCH. I yield to the Senator from Georgia.

Mr. GEORGE. I ask the Senator from New Mexico how are we to prohibit improper political activity unless we prohibit all political activity on the part of officeholders?

Mr. BROWN. Mr. President, I feel that the Senator's estimate of the American people must be pretty low—

Mr. GEORGE. I am not talking about the American people.

Mr. BROWN. The Senator's estimate of the American people must be pretty low if he thinks a Government official or a State official may not engage in legitimate political activity. Does not the Senator engage in legitimate political activity when he assists in his own reelection to the Senate? He engages in a political activity which is prohibited on the part of an executive officer of the Government.

Mr. GEORGE. Mr. President, I do not wish to take up the Senator's time.

Mr. HATCH. I shall be very happy to have the Senator do so.

Mr. GEORGE. We are merely quibbling when we talk about permitting "proper political activity" on the part of a great body of Government employees, and stopping "improper political activity." Those who control the salaries of employees who must depend upon the Government pay rolls will see to it that the political activity is proper; but it will be proper to vote for those in power. It always has been so, and always will be.

Mr. BROWN. The Senator believes that he and I can be proper in our political activities, but that Government clerks downtown cannot be. I think their consciences are just as good as mine.

Mr. HATCH. A Government clerk does not have any choice.

Mr. GEORGE. He has no choice. The bill is intended to prevent the coercion of persons who cannot assert themselves.

Mr. BROWN. If the Senator will write "coercion" into the bill, I shall be satisfied.

Mr. GEORGE. That is what the bill is intended to do.

Mr. HATCH. Mr. President—

Mr. MINTON. No amendment has sought to destroy such provisions.

Mr. HATCH. Mr. President, I cannot yield further. What the Senator from Georgia has just said is absolutely true. We talk about the freedom of employees in the highway departments. It is laughable when we think about it. Every

man who has been in a political campaign will laugh at such a suggestion.

Mr. BROWN. I did not smile at the Senator.

Mr. HATCH. The Senator should smile at such an argument. We know what is done. We know what every man who is forced by the circumstances of his lot as an employee does when he is ordered to go out and work as his boss wants him to work, or lose his job. What is he to do? He will do what is necessary to hold his job.

Am I exaggerating? Mr. President, I have not wanted to put into the RECORD the things which the Senator from West Virginia [Mr. NEELY] put into the RECORD on Saturday, but I have them. I have them right here in my hand, from States represented by Senators who are taking an active part in opposition to the bill. I have before me a page from the Sheppard report, disclosing how 450 highway employees in one precinct in one State were put on the pay roll in order to go out and do political work just before election—a primary election, if you please—and were fired the next day after the primary.

We talk about protecting the electorate, and about invading the rights of the States. What chance has the individual citizen, the man who holds no political job and wants none, and seeks only to have his party do that which is best for his country. What chance has he in a convention or a primary in which tactics such as have been described are employed? As Professor Beard states in the article which I put into the RECORD, he is elbowed aside by the job holders, and the job holders run the election.

We hear much about a great interest in the rights of the people. I am thinking about the people, those who want only decent and honest government in this country. There are millions and millions of them. If my party does not take a stand against such methods and do everything it can to prevent them I am fearful that my party may find that millions of citizens do not approve of tactics which would defeat only a gesture against such things. That is all the bill is. It is only a gesture.

Mr. MINTON. Mr. President, will the Senator yield?

Mr. HATCH. I yield.

Mr. MINTON. Does not the Senator condemn those who, without any coercion, voluntarily desire to take a part in politics?

Mr. HATCH. I would draw the line if it could be drawn; but I defy the Senator from Indiana, or anybody else, to draw that line. As a Justice of the Supreme Court of the United States said in an opinion put into the RECORD by the Senator from Illinois [Mr. LUCAS]—the majority opinion, not the minority opinion—the power to solicit contributions carries with it the threat of compelling contributions.

Mr. MINTON. The Senator is not striking at that threat.

Mr. HATCH. I am not striking at it in this bill; but I hope to strike at it some day in the not-too-distant future.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the question is on the amendment of the Senator from Michigan, as modified, to the amendment reported by the committee.

Mr. HATCH. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll. The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Clark, Mo.	Hayden	Miller
Andrews	Connally	Herring	Minton
Austin	Danaher	Hill	Murray
Bailey	Davis	Holman	Neely
Bankhead	Donahey	Holt	Norris
Barbour	Ellender	Hughes	Nye
Barkley	Frazier	Johnson, Calif.	O'Mahoney
Bilbo	George	Johnson, Colo.	Overton
Brown	Gerry	La Follette	Pepper
Bulow	Gibson	Lee	Pittman
Burke	Gillette	Lodge	Reed
Byrd	Glass	Lucas	Reynolds
Byrnes	Green	Lundeen	Russell
Capper	Guffey	McCarran	Schwartz
Caraway	Gurney	McKellar	Schwellenbach
Chandler	Hale	McNary	Sheppard
Chavez	Harrison	Maloney	Shipstead
Clark, Idaho	Hatch	Mead	Smith

Stewart	Thomas, Utah	Van Nuys	White
Taft	Townsend	Wagner	Wheeler
Thomas, Idaho	Truman	Walsh	
Thomas, Okla.	Vandenberg		

Lucas	Minton	Pittman	Stewart
McKellar	Murray	Schwartz	Thomas, Okla.
Miller	Pepper	Schwellenbach	

The PRESIDING OFFICER. Eighty-five Senators have answered to their names. A quorum is present. Under the agreement heretofore entered into by the Senate to vote at 2 o'clock, the Chair would like to state the parliamentary situation. The question before the Senate is upon agreeing to the amendment offered by the Senator from Michigan [Mr. BROWN], as modified, to the committee amendment. The amendment having been twice modified, without objection, the Chair will have the clerk restate the amendment.

Mr. McNARY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. McNARY. I inquire if the Senate has heretofore ordered the yeas and nays?

The PRESIDING OFFICER. The yeas and nays have heretofore been ordered. The clerk will state the amendment offered by the Senator from Michigan [Mr. BROWN], as modified.

The CHIEF CLERK. In the committee amendment on page 4, line 21, after the word "employee", it is proposed to strike out the remainder of the sentence and substitute in lieu thereof the following:

(2) And no person who is a stockholder, having an interest worth over \$25,000, or officer of a corporation benefiting in any manner whatsoever (a) by any tariff, excise tax, or quota limiting imports into the United States, imposed by the United States; (b) by a loan from the Reconstruction Finance Corporation or any other governmental agency; (c) by a contract with the United States, or any of its agencies or with any State, municipality, or other governmental subdivision which is financed in whole or in part by loans or grants made by the United States or by any Federal agency; (3) and no person who is a stockholder having an interest worth over \$25,000 or officer of a corporation which has pending an application for refund of Federal income taxes, or a claim against the United States before either the Court of Claims or the Congress; and (4) no person who is employed as a lobbyist or legislative representative or whose principal business is that of appearing before the executive or legislative departments of the United States, shall take any active part in political management or in political campaigns. No such person shall solicit or receive or be in any manner concerned in soliciting or receiving any assessment, subscription, or contribution for any political purpose whatever. Any person violating any provision of this section relating to persons other than officers and employees of a State or local agency shall be subject to the penalties provided in section 8 of said act of August 2, 1939.

The PRESIDING OFFICER. The yeas and nays having been ordered, the clerk will call the roll.

The legislative clerk called the roll.

Mr. AUSTIN. I announce that the Senator from New Hampshire [Mr. TOBEY] is paired with the Senator from New Jersey [Mr. SMATHERS]. If present and voting, the Senator from New Hampshire would vote "nay," and the Senator from New Jersey would vote "yea."

Mr. McNARY. The junior Senator from Wisconsin [Mr. WILEY] is necessarily absent. If he were present, he would vote "nay."

Mr. MINTON. I announce that the Senator from Washington [Mr. BONE] and the Senator from Utah [Mr. KING] are absent from the Senate because of illness.

The Senator from Arizona [Mr. ASHURST], the Senator from California [Mr. DOWNEY], the Senators from Maryland [Mr. RADCLIFFE and Mr. TYDINGS], the Senator from Illinois [Mr. SLATTERY], and the Senator from New Jersey [Mr. SMATHERS] are detained on important public business.

I am advised that if present and voting the Senator from Utah would vote "nay."

Mr. THOMAS of Utah. I have a general pair with the Senator from New Hampshire [Mr. BRIDGES]. I am advised that if present he would vote as I am about to do. I am therefore at liberty to vote, and vote "nay."

The result was announced—yeas 31, nays 53, as follows:

YEAS—31

Bankhead	Byrnes	Glass	Hill
Bilbo	Caraway	Guffey	Hughes
Brown	Connally	Harrison	Johnson, Colo.
Bulow	Donahey	Hayden	La Follette
Bvrd	Ellender	Herring	Lee

NAYS—53

Adams	George	McNary	Taft
Andrews	Gerry	Maloney	Thomas, Idaho
Austin	Gibson	Mead	Thomas, Utah
Barbour	Gillette	Neely	Townsend
Barkley	Green	Norris	Truman
Burke	Gurney	Nye	Vandenberg
Capper	Hale	O'Mahoney	Van Nuys
Chandler	Hatch	Overton	Wagner
Chavez	Holman	Reed	Walsh
Clark, Idaho	Holt	Reynolds	Wheeler
Clark, Mo.	Johnson, Calif.	Russell	White
Danaher	Lodge	Sheppard	
Davis	Lundeen	Shipstead	
Frazier	McCarran	Smith	

NOT VOTING—12

Ashurst	Bridges	Radcliffe	Tobey
Bailey	Downey	Slattery	Tydings
Bone	King	Smathers	Wiley

So Mr. BROWN's amendment, as modified, to the committee amendment was rejected.

Mr. RUSSELL obtained the floor.

Mr. BARKLEY. Mr. President, will the Senator yield to me?

Mr. RUSSELL. I yield to the Senator from Kentucky.

Mr. BARKLEY. I understand that the Senator from Georgia has risen for the purpose of moving that the Senate proceed to the consideration of the agricultural appropriation bill.

Mr. RUSSELL. I may say that I hope to obtain unanimous consent for its consideration.

Mr. BARKLEY. I wish to state to the Senator from Georgia and to other Senators that I understand there are not many more amendments to the pending bill, and I hope we may proceed with it and dispose of it today. I had thought of asking unanimous consent for a vote on the bill and all amendments to it at an hour not later than 6 o'clock this afternoon. I understand that if such an arrangement can be entered into, the Senator from Georgia will be agreeable to it.

Mr. RUSSELL. It will be perfectly agreeable to me if such a unanimous-consent agreement can be obtained. My appraisal of the situation has led me to think that it probably cannot be obtained.

Mr. BARKLEY. There is no harm in attempting to obtain it.

Mr. RUSSELL. Not at all. I am very glad to have the effort made.

Mr. BARKLEY. I ask unanimous consent that at an hour not later than 6 o'clock p. m. today the Senate proceed to vote, without further debate, on the pending bill and all amendments thereto.

The PRESIDING OFFICER. Is there objection?

Mr. THOMAS of Oklahoma. Mr. President, I have pending on the Vice President's desk an amendment. On former occasions I have sat silently by and let unanimous-consent agreements be made, and at the last moment I have found myself unable to secure time even to explain my amendments. So unless I can have an agreement that my amendment will come up when reasonable time can be afforded for its discussion, I shall be forced to object.

Mr. BARKLEY. Of course, the Senator from Oklahoma realizes that I have no desire to cut him off, or any other Senator. So far as I am concerned, I am perfectly willing that the Senator's amendment shall be offered first, and that he shall be allowed to discuss it; but that is not a matter over which I have control. I will say to the Senator, however, that I will cooperate with him to the fullest extent of my ability to assure him time in which to discuss his amendment.

Mr. THOMAS of Oklahoma. Mr. President, from my viewpoint my amendment should be adopted without debate and without discussion; but oftentimes amendments which seem to me to have that status are the ones which provoke the most discussion. If the author of the bill will accept the amendment, there will be no occasion for discussing it.

Mr. BARKLEY. I do not know what the amendment is.
Mr. THOMAS of Oklahoma. If I may have just a moment, I will explain what the amendment is.

Mr. RUSSELL. Mr. President, I believe I have the floor.
I yield to the Senator from Oklahoma.

Mr. THOMAS of Oklahoma. The original Hatch Act provides a code of procedure for Federal employees. It exempts the President, Members of the Congress, and certain officials who have so-called policymaking powers. The original act did not refer to the District of Columbia. This bill places District of Columbia officials under the law and makes an exception of the Commissioners.

Mr. President, there is another official of the District government who is appointed by the President and confirmed by the Senate. I refer to the official known as the recorder of deeds. For a good many years, whatever political party has been in power has conceded this position to the colored race; and, as a result of that policy, some member of that race has held the office during many past years.

The occupant of the office is appointed by the President and confirmed by the Senate. The official holding the office is regarded by the colored people as their liaison or contact man with the National Government. He assumes to go out and speak to the colored people, to tell them what is being done, and to advise them as to what he thinks should be done. If this position is placed under the ban of this law, that official, appointed by the President and confirmed by the Senate, will be denied any further activity along that line. So my amendment proposes to exempt the position of recorder of deeds of the District of Columbia.

Mr. HATCH. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield to the Senator from New Mexico.

Mr. HATCH. Of course, I have no authority to accept an amendment. I am not familiar with the duties of this particular office; but, as the Senator has explained them, so far as I am personally concerned I should have no objection to the amendment being adopted, taking it to conference if there should be a conference, and endeavoring in good faith to work out something along the lines of the amendment.

Mr. THOMAS of Oklahoma. Mr. President, at this time I will call up the amendment, so that it may be stated; and in support of the amendment I desire to have printed, immediately following the amendment, a letter from the present recorder of deeds, Dr. William J. Thompkins, of Kansas City.

The PRESIDENT pro tempore. The amendment will be stated.

The LEGISLATIVE CLERK. On page 7, line 24, after the word "commissioners" and before the word "of", it is proposed to insert the words "and the recorder of deeds."

Mr. THOMAS of Oklahoma. Mr. President, I desire to state that the amendment is offered jointly by the Senator from Missouri [Mr. TRUMAN] and myself.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Oklahoma. The amendment was agreed to.

The PRESIDENT pro tempore. The Senator from Oklahoma has asked unanimous consent to have printed at this point in the RECORD a letter referring to the amendment. Without objection that may be done.

The letter is as follows:

RECORDER OF DEEDS, DISTRICT OF COLUMBIA,
Washington, March 4, 1940.

HON. ELMER THOMAS,
Senator from Oklahoma,
Senate Office Building, Washington, D. C.

MY DEAR SENATOR: Permit me to call your attention to S. 3046, an amendment to the Hatch Act to prevent pernicious political activities, designed to include in the provisions of the act all employees of the District of Columbia except the District Commissioners.

The amendment to the act would likewise extend the provisions of the Hatch Act to State employees, except certain elective officials appointed by the Governor and confirmed by the State legislature.

The fact that the amendment exempts from its provisions officials of States appointed by Governors and confirmed by legislatures and neglects to afford this same exemption for officials of the District of Columbia appointed by the President and confirmed by the Senate makes the provision discriminatory.

It is my opinion that this is simply an oversight and should be corrected when S. 3046 comes up for consideration by the Senate.

In the District of Columbia Government the only officials appointed by the President and confirmed by the Senate, with the exception of judges, are the District Commissioners and the recorder of deeds. Section 13, on page 7, exempts the Commissioners but not the recorder of deeds. It is respectfully suggested that S. 3046 be amended as follows:

In section 13, page 7, line 24, after the word "Commissioners", insert the following, "and the recorder of deeds."

I should appreciate your letting me have your opinion on this amendment and whatever support you may give it.

Respectfully yours,

WILLIAM J. THOMPKINS,
Recorder of Deeds, District of Columbia.

Mr. JOHNSON of Colorado. Mr. President—

Mr. RUSSELL. I have yielded to the Senator from Kentucky, who, I understand, has submitted a proposed unanimous-consent agreement.

Mr. BARKLEY. Yes; I have.

Mr. MINTON. Mr. President, will the Senator from Georgia yield?

Mr. RUSSELL. I yield.

Mr. MINTON. Reserving the right to object, I am not sure the Senator from Kentucky is well advised when he says there are only a few amendments remaining to be disposed of. I will say to the Senator that there are several important amendments yet to be offered to the bill, and we could not possibly dispose of them this afternoon. For that reason I should have to object.

Mr. BARKLEY. Mr. President, will the Senator from Georgia further yield to me?

Mr. RUSSELL. I yield to the Senator from Kentucky.

Mr. BARKLEY. I ask unanimous consent that at an hour not later than 5 o'clock p. m. tomorrow the Senate proceed to vote without further debate on the Hatch bill and all amendments thereto.

Mr. JOHNSON of Colorado. Mr. President, reserving the right to object, I wish to state that I have a very important amendment to the bill which will require at least 2 hours of discussion; and unless I can be assured that my amendment will have at least 2 hours of discussion I shall have to object to the request.

Mr. BARKLEY. I will say to the Senator that I think from every standpoint it will be desirable to conclude this bill before we take up other bills, if such action will not unduly delay the bill in which the Senator from Georgia is interested. In conferring with him, I understood that if he could be assured that the pending legislation could be concluded even tomorrow, he would not object to withholding his motion for that purpose. I am willing to meet at 11 o'clock tomorrow, if the Senate is willing, of course, in order to give ample time for debate. That will give 6 hours for debate tomorrow.

While I realize that no one can guarantee that any Senator may speak for 2 hours unless he gets the floor, in which event he may speak all day, I will cooperate with the Senator from Colorado to get as much time as possible for him on his amendment. I do not know what it is, but I am sure it will be adequately discussed if we can enter into this arrangement.

Mr. JOHNSON of Colorado. Mr. President, I appreciate the Senator's willingness to cooperate; but I shall have to have more assurance than that, because I have a very important amendment. I myself do not wish to take 2 hours in its discussion; but I feel that it is of such great and grave importance that 2 hours will be almost too short a time in which to discuss it properly.

Mr. BARKLEY. I do not know any further guarantee that I can give the Senator, except that by unanimous-consent agreement the Senator from Colorado might be recognized. Of course, if we enter into this agreement, we shall have all the remainder of today and until 5 o'clock tomorrow to discuss his amendment. I do not know what other amendments there are that will require any considerable debate. I have no desire to shut off amendments; but I do think from every standpoint it will be better, if we can do so, to dispose of the pending measure before taking up the other bill, if thereby no unreasonable delay will be incurred.

Mr. RUSSELL. Mr. President, of course, it is most unusual to defer the consideration of appropriation bills when the committee is prepared to proceed with them. They are given priority under the rules; but if there is no objection to the request of the Senator from Kentucky from any other source I shall not object, and I shall be willing to defer consideration of the appropriation bill until after the pending business shall have been concluded.

Mr. LEE. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. LEE. Reserving the right to object, it seems to me the request of the majority leader is a reasonable one. It seems that from now until 5 o'clock tomorrow will be sufficient time for debate. No Senator, I think, is more interested than I am in farm legislation.

I believe it would be better to conclude the consideration of the pending bill. We passed the Hatch Act last year and covered some of the Federal employees. This is an effort to cover the others. It is in line with the President's request in his message, in which he approved the former Hatch Act. I hope the request of the Senator may be agreed to.

The PRESIDENT pro tempore. Is there objection?

Mr. ADAMS. Mr. President, there is on the table a deficiency appropriation bill, which I have not sought to call up because of the debate on the pending bill and because there might be some misunderstanding of the reason for calling it up. But there are emergency matters in the deficiency bill, and I am wondering whether it is possible to make some provision for calling up that bill. It involves salaries and other matters of an emergency nature. It is not a bill which will take any great length of time, and if a definite limit is fixed on time for debate which is entirely consumed by the debate, I might be denied an opportunity which I had hoped might develop to take up this emergency deficiency bill.

Mr. BARKLEY. Mr. President, let me ask the Senator from Colorado on what date the salaries to which he refers will actually expire.

Mr. ADAMS. They begin to expire on the 15th of this month. There will be involved, perhaps, a conference and other legislative processes.

Mr. BARKLEY. I have no doubt—and I have assured the Senator from Colorado privately that I have no doubt—that we can find an opportunity within the next day or so to take up the bill to which he refers. I do not think it will require any considerable time. Usually deficiency bills of this type do not involve much discussion. I shall be glad to cooperate with the Senator in any way I can.

Mr. ADAMS. Can the Senator arrange to take it up today?

Mr. BARKLEY. I would not have any objection, if this agreement shall be entered into, to laying aside the pending bill later on in the day temporarily so as to take up the deficiency bill. I think it will take but a few minutes to dispose of it.

Mr. HARRISON. Mr. President, reserving the right to object for a moment only, I hope some agreement will be made; but I do not want to have any slip, so that if a Senator desired to make a motion to recommit the Hatch bill, he would be precluded from making such a motion. I have no desire to do it—

Mr. BARKLEY. The request I am submitting would not preclude an opportunity to have the bill recommitted.

Mr. HARRISON. I should like to say further that we are waiting with a bill of a good deal of importance, involving the expiration of a law on June 12, and I had expected, just as soon as the agricultural appropriation bill had been gotten out of the way, to move to take up the reciprocal trade agreements bill.

Mr. BARKLEY. I am interested in that bill, as the Senator knows—

Mr. HARRISON. I know the Senator is.

Mr. BARKLEY. And I want to facilitate its consideration. In connection with my request I will say to the Senator from Colorado that, if it is entered into, I shall then be glad to ask

unanimous consent that the Senator from Colorado be permitted to offer his amendment, and that a vote be taken on his amendment at not later than 4:30 p. m. today if that is satisfactory.

Mr. JOHNSON of Colorado. Will the Senator make that part of his original request?

Mr. BARKLEY. I am willing to modify my request to that extent, that is, that at not later than 5 o'clock p. m. tomorrow, the Senate proceed to vote on all amendments and motions with respect to the pending bill, and that the Senator from Colorado be permitted, upon the consummation of the agreement, to offer his amendment, and that at not later than 4:30 p. m. today the Senate proceed to vote on it and any amendment which may be offered to it.

Mr. McNARY. Mr. President, I have steadfastly opposed granting special privileges to individual Senators. I think the request on behalf of the Senator from Colorado comes within that category. I think we should all have equal opportunity for discussion and presentation of matters, and for votes on such matters. For this reason I shall object to that phase of the unanimous-consent request.

Mr. BARKLEY. Mr. President, I may say to the Senator from Oregon that if the request were granted it would not mean that other phases of the bill might not be discussed between now and 4:30 o'clock. It would merely mean that at 4:30 o'clock we would vote on the amendment of the Senator from Colorado.

Mr. McNARY. Mr. President, the objection I have particularly is to the effort to recognize one Senator over another. If the Senator from Colorado is willing to take his chances on getting the floor and presenting his matter, taking the usual course of debate, very well, but I shall object to any request at any time which involves the granting to any Senator of the right to have the floor, or the right to a vote on a particular amendment. That has been the procedure I have followed here for a great many years.

Mr. BARKLEY. Would the Senator from Colorado be willing to forego any agreement with respect to his amendment until the other agreement is entered into, with the understanding that he can offer his amendment immediately, and that I will then, or he may, submit a unanimous-consent request that the amendment be voted on at 4:30 o'clock this afternoon?

Mr. JOHNSON of Colorado. Mr. President, the Senator from Oregon has stated very plainly that he will object to that sort of request.

Mr. BARKLEY. No; he objects to it as a part of the request I have made.

Mr. McNARY. I object to it as a part of a general request for the conduct of debate. If the Senator is able to get the floor, through recognition by the Chair, and seek to have specified a time at which he may desire to have a vote taken, I will have no objection to that.

Mr. JOHNSON of Colorado. So far as my own time is concerned, I do not anticipate taking more than 10 or 15 or 20 minutes, but I rather expect the amendment will provoke considerable debate in the Senate, and I think it should. I think it is of such importance that a reasonable time should be given to it. Will the Senator from Kentucky permit me to make a motion now, or to ask now that my amendment be placed before the Senate?

The PRESIDENT pro tempore. The Senator from Georgia [Mr. RUSSELL] has the floor.

Mr. RUSSELL. Mr. President, I have the floor. I have tried to be as courteous as possible in connection with all the various requests, but I yielded and one amendment has already been considered, and since the amendment of the Senator from Colorado will undoubtedly take considerable time, I could not permit it to be offered in my time.

Mr. BARKLEY. Mr. President, if the Senator will yield, there is no amendment to the committee amendment now pending. We have just voted on an amendment to the amendment, and no other amendment has been offered, as I understand.

The PRESIDENT pro tempore. The question is on agreeing to the committee amendment as amended.

Mr. BARKLEY. Yes, but I mean that there are not now pending any amendments to the amendment. We have just voted on the last one offered, one offered by the Senator from Oklahoma.

Without including it in my agreement, I express the hope that the Chair will recognize the Senator from Colorado to offer his amendment, if the agreement which I have proposed shall be entered into. I am sure that would assure the Senator the opportunity he seeks. I do not like to ask the Chair to indicate whom he would recognize, but under the circumstances I think it might be justified. I will say to the Senator from Colorado that if I have any influence with the Chair, I will exercise it to see that he is recognized to offer his amendment.

Mr. JOHNSON of Colorado. I thank the Senator. That will be entirely satisfactory.

The PRESIDENT pro tempore. Will not the Senator from Kentucky again state his request?

Mr. BARKLEY. I ask unanimous consent that at not later than 5 o'clock p. m. tomorrow the Senate proceed to vote on all amendments and all motions pertaining to the bill now pending, without further debate, and upon the pending bill.

Mr. McNARY. That contemplates a vote on the final passage of the bill?

Mr. BARKLEY. Yes; on the bill and all amendments.

Mr. McNARY. Under the rule, that would require the calling of a quorum.

Mr. BARKLEY. I ask unanimous consent that that requirement be waived.

The PRESIDENT pro tempore. The Senator from Kentucky asks unanimous consent that the requirement of the calling of a quorum be waived. Is there objection?

Mr. MALONEY. I object.

Mr. BARKLEY. In order that I may make further effort to have an agreement reached, I suggest the absence of a quorum, with the view to making a request.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Davis	Johnson, Calif.	Reed
Andrews	Donahay	Johnson, Colo.	Reynolds
Austin	Ellender	La Follette	Russell
Bailey	Frazier	Lee	Schwartz
Bankhead	George	Lodge	Schwellenbach
Barbour	Gerry	Lucas	Sheppard
Barkley	Gibson	McCarran	Shipstead
Bilbo	Gillette	McKellar	Smith
Brown	Glass	McNary	Stewart
Bulow	Green	Maloney	Taft
Burke	Guffey	Mead	Thomas, Idaho
Byrd	Gurney	Miller	Thomas, Okla.
Byrnes	Hale	Minton	Thomas, Utah
Capper	Harrison	Murray	Townsend
Caraway	Hatch	Neely	Truman
Chandler	Hayden	Norris	Vandenberg
Chavez	Herring	Nye	Van Nuys
Clark, Idaho	Hill	O'Mahoney	Wagner
Clark, Mo.	Holman	Overton	Walsh
Connally	Holt	Pepper	Wheeler
Danaher	Hughes	Pittman	White

The PRESIDENT pro tempore. Eighty-four Senators having answered to their names, a quorum is present.

The Senator from Kentucky [Mr. BARKLEY] has made a unanimous-consent request. Will the Senator please state it once more?

Mr. BARKLEY. Mr. President, in order that the Senate may understand the request which I have made, I shall repeat it.

I ask unanimous consent that at not later than 5 o'clock p. m. tomorrow the Senate proceed to vote on all amendments and motions with respect to the pending bill, and on the final passage of the bill itself.

The PRESIDENT pro tempore. Is there objection?

Mr. McNARY. Mr. President, just a word as to the procedure that is to be followed. If unanimous consent is obtained, of course the bill before us will remain the unfinished

business until 5 o'clock tomorrow, unless displaced by a motion or by a unanimous-consent agreement to take up another bill for consideration. I wish to propound a question to the Senator from Georgia [Mr. RUSSELL]. Is it his intention, if the unanimous-consent request is agreed to, to move to displace the pending bill and to take up for consideration the agricultural-appropriation measure?

Mr. RUSSELL. If the unanimous-consent request is agreed to I should be inclined to defer making the request for consideration of the appropriation bill until after the period specified in the unanimous-consent request.

Mr. McNARY. It would not, then, be the desire of the Senator from Georgia to have his measure considered until after 5 o'clock tomorrow?

Mr. RUSSELL. It would not be my purpose to attempt to have my measure taken up until after 5 o'clock tomorrow.

Mr. ADAMS. Mr. President, in connection with unanimous-consent agreements fixing a time limit for discussion, I have always been disturbed by one thing, which is that when the final hour is reached amendments may be submitted without a chance to explain the amendments or a chance to ask what they may be. That has happened once or twice. Is it possible for the Senator from Kentucky to protect the situation so that we may have an explanation of amendments which may be submitted at 5 o'clock tomorrow? Otherwise Senators would not have a chance even to ask what the amendments were.

Mr. BARKLEY. I appreciate that situation, Mr. President, but I will say to the Senator that it is hardly fair to bar the introduction of amendments at 5 o'clock. I do not feel I should make such a request. But that situation could be facilitated if Members of the Senate would, before that hour, offer the amendments they contemplate offering so they might be read for the information of the Senate.

Mr. ADAMS. Would it be possible to make some arrangement with respect to amendments offered close to the expiration of the time limit so that 5 minutes or 10 minutes would be allowed for explanation of the amendments? I do not mean to make that proposal in order to cause delay, but merely in order that the Senate may have an understanding of the amendments.

Mr. BARKLEY. I do not think it is advisable to include such a provision as part of my unanimous-consent request now, but if the agreement is entered into I shall attempt to work out some plan by which amendments offered at 5 o'clock tomorrow may be explained.

Mr. ADAMS. I shall not object at this time, but in the future I shall consistently object to fixing a time limit for debate unless some such provision is made, because an unfair situation may develop.

Mr. BARKLEY. I will try to work out something by tomorrow, if possible, if the unanimous-consent request is agreed to.

Mr. BAILEY. Mr. President, I shall object to the request for unanimous consent in its present form or in any other form. I intend to see this thing debated as it ought to be. I consider the proposed legislation to be most objectionable and in some of its aspects, without intending to reflect upon anybody, to be vicious. So I object.

The PRESIDENT pro tempore. Objection is made.

AGRICULTURAL DEPARTMENT APPROPRIATIONS

Mr. RUSSELL. Mr. President, I ask unanimous consent that the pending business be temporarily laid aside, and that the Senate proceed to the consideration of House bill 8202, the general appropriation bill for the Department of Agriculture.

The PRESIDENT pro tempore. Is there objection?

Mr. HARRISON. Reserving the right to object, I will ask the Senator why he does not move that the pending business be laid aside? I do not want to find myself in the position after a while, when I know there is a very slim majority for the trade-agreements measure, to be obliged to move that the measure be considered and have a contest on the matter. I would rather see the contest come on the agricultural ap-

propriation bill. So I should like to have the Senator from Georgia make the motion.

Mr. RUSSELL. The statement of the Senator from Mississippi is most commendably frank. Of course, the Senator has the right to force me to make a motion. I followed the custom of the Senate in asking unanimous consent that the pending bill be laid aside and that the Senate consider the other measure.

Mr. HARRISON. I shall have to object, though, not because I love the farmers less.

Mr. RUSSELL. Does the Senator from Mississippi object?

Mr. HARRISON. Yes.

Mr. RUSSELL. Mr. President, I move that the pending business be temporarily laid aside and that the Senate proceed to the consideration of House bill 8202.

Mr. BARKLEY. I wish to suggest to the Senator from Georgia that under the rules of the Senate the only motion that is in order now is a motion to proceed to consider the agricultural appropriation bill. A motion temporarily to lay aside a pending bill for the consideration of another bill is not in order.

The PRESIDENT pro tempore. That is correct. The Chair was about to make that announcement.

Mr. RUSSELL. Is that the ruling of the Chair?

The PRESIDENT pro tempore. It is.

Mr. RUSSELL. Mr. President, I move that the Senate proceed to the consideration of House bill 8202.

Mr. CLARK of Missouri. Mr. President, that motion is debatable, is it not?

The PRESIDENT pro tempore. It is debatable.

Mr. CLARK of Missouri. Mr. President I desire to detain the Senate for only a few moments not for the purpose of opposing the motion of the Senator from Georgia who has a matter which he desires to bring before the Senate which is of transcendent importance, a measure in which I am greatly interested and which I very much favor, and certainly not for the purpose of opposing anything that the Senator from Georgia may desire to do about this matter, although I intend to vote against his motion. He has been a supporter of the Hatch bill at every stage of the proceedings for the last week, during this filibuster, and he has shown in the matter of trying to reach an agreement a most generous and commendable spirit toward the Hatch bill.

I desire to detain the Senator for merely a few moments to make a few observations which I did not desire to make prior to this time for the reason that I did not wish to help out in the effort to delay the consideration of the Hatch bill.

Mr. SCHWELLENBACH. Mr. President, will the Senator yield?

Mr. CLARK of Missouri. I yield.

Mr. SCHWELLENBACH. May I inquire of the Senator why he is talking about a filibuster? I have been present during the discussion of the measure during the past week, and I failed to see any filibuster.

Mr. CLARK of Missouri. The Senator was not present Saturday afternoon, perhaps.

Mr. SCHWELLENBACH. The Senator does not consider the fact that it was necessary to hold a session on Saturday as evidence that there is something in the nature of a filibuster?

Mr. CLARK of Missouri. The Senator from Washington may conclude that there has been no filibuster. My opinion, based upon long observation in such matters, is that there has been a filibuster, and that filibuster is still in progress so far as the Hatch bill is concerned.

Mr. President, during the course of this debate I have been very much intrigued by the argument which has been presented here in behalf of States rights—an argument presented by some Senators and from some quarters outside of the Senate, by men who participated in the N. R. A.—to the effect that there is no difference between interstate and intrastate commerce in all of the other steps over a period of years, particularly in the last 7 years, tending to break down every vestige of States rights.

And so it is only at this hour, when a measure is brought in here for the purpose of applying to the disposition of Federal funds in States precisely the same rule which we have already by legal enactment applied to the disposition of Federal funds by the Federal Government itself, that the cry of States' rights is once more raised and raised for the purpose of defeating this reform.

Mr. President, I have been particularly interested, almost moved to tears, by the piteous eloquence of those who have insisted upon the inalienable right of charwomen to be mulcted of 2 percent of their meager pay, or who have insisted on the right of even the humblest employee paid out of Federal funds by a State machine to contribute 1 percent, or 1½ percent, or 2 percent, or some other percent, voluntarily to a fund to maintain the State machine. When I have listened to this piteous eloquence, Mr. President, I have been very much reminded of a story which I once heard told, a personal experience, by former Gov. John Lind, of Minnesota, who, in the unhappy days of the Huerta regime in Mexico—when the Huerta regime had not been recognized by the American Government—was sent to Mexico as the personal representative of President Wilson. Governor Lind said that one morning he came out of the American legation and looked down the road and saw about the sorriest looking lot of scarecrows he had ever seen in his life trudging down the street, all of them barefooted, all of them ragged, some of them bloodstained, one a one-legged man, each man in the file with a rope around his neck, extending back to the man behind him, tied to his neck, and extending on down the file, all roped together. Alongside was riding a troop of Mexican cavalry, with their lances jabbing these men, and with a few Mexicans walking alongside, with blacksnake whips cracking every once in a while at these men trudging down the road. Governor Lind turned to Nelson O'Shaughnessy, who was American chargé d'affaires, and said, "What in the name of heaven is this?" O'Shaughnessy said, "Why, they are volunteers for Huerta's army." [Laughter.]

And so I say that charwomen who are to be mulcted of a portion of their meager pay and the poor devil earning a small salary, whose check the Senator from West Virginia [Mr. NEELY] produced here on the floor of the Senate the other day, who was compelled to contribute \$2.02 every month, are pictured here as volunteers, and it is said that it is an invasion of their inalienable right to prohibit anybody to make them pay that 2 percent or 1½ percent or 3 percent.

Oh, but it is said that they do it voluntarily. They all just happen accidentally to hit on the sum of 2 percent, or 1 percent, or 1½ percent as the contribution that they desire to make to the fund.

In one of his debates with Douglas, Abraham Lincoln said that there might have been no prearrangement about the Dred Scott Decision, as Douglas was contending, but that if a man were going through a great forest and saw in one part of the forest a man by the name of James, in another part of the forest a man by the name of Roger, in another part of the forest a man by the name of Franklin, and in another part of the forest a man by the name of Stephen, working apparently separately and entirely unconnected with each other, hewing out timbers for a house, and when the timbers were all assembled it was found that the timbers hewn in various parts of the forest fitted perfectly and formed a perfect structure, reasonable people would conclude that James, Roger, Franklin, and Stephen had all been acting in pursuance of some prearranged program.

So when "volunteers" all happen to send in 2 percent, 1½ percent, or 1 percent, or 3 percent, as the case may be, of their normal salaries, reasonable persons will conclude that somebody told them that that was about the proper ante, and they were afraid that if they did not send it in they would lose their jobs.

Mr. President, I submit that there is nothing whatever in this legislation which infringes upon the right of any State

whatever. Under the proposed law every State government—unless the State itself has had enough sense and self-respect to pass legislation to prohibit such practices—will still have the right to assess the guards in the penitentiary 1½ or 2 percent. Several years ago I stated in a public address in the capitol of my home State on the night before the primary that so many guards and penitentiary officials had been sent home for political purposes that if there were a prison uprising on election day the whole city would be at the mercy of the convicts.

Mr. STEWART. Mr. President, will the Senator yield?

Mr. CLARK of Missouri. I yield to the Senator from Tennessee.

Mr. STEWART. I understand that it was stated on the floor of the Senate on Saturday that the bill does not prohibit contributions.

Mr. CLARK of Missouri. That is my understanding.

Mr. STEWART. The Senator was discussing contributions. I thought perhaps his conclusion was that the bill would prohibit contributions.

Mr. HATCH. Mr. President, will the Senator yield?

Mr. CLARK of Missouri. I yield.

Mr. HATCH. The bill does prohibit any official within the classes named from soliciting contributions.

Mr. CLARK of Missouri. It does not prohibit direct contributions.

Mr. STEWART. Then it would not reach the point discussed by the Senator.

Mr. CLARK of Missouri. The Senator interrupted me. I was about to speak of the rights of the States. I say that the right of any State administration to assess charwomen in the State eleemosynary institutions, or guards in the penitentiary, will not be interfered with by this legislation in any particular; and a Governor, if he so chooses, may call in the members of the State public-service commission, with their great power of almost life and death over the utilities of the State, and make them members of his inner political council; or he may make members of the State tax commission members of his inner council, and use them for political purposes. He may threaten members of the highway police. Those rights of the States are not interfered with at all. All the bill is designed to do, and all it does, is to say to certain State officials, "You shall not use funds supplied by the Federal Government for political purposes. So far as funds supplied by the Federal Government are concerned, you shall comply with the same rules that are laid down for the expenditure of Federal funds by the Federal Government itself."

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. CLARK of Missouri. I yield to the Senator from Kentucky.

Mr. BARKLEY. Can the Senator conceive of any actual or theoretical right on the part of any State or any State government, or any State officer, to siphon the money which the taxpayers have paid into the Treasury of the United States out of that Treasury into the pockets of those who desire to use those funds for political purposes?

Mr. CLARK of Missouri. I cannot conceive of any such right, Mr. President. In some activities of the Government the Federal Government supplies and expends through the States three times as much as the States themselves contribute to the particular activity or purpose. That is true of the Public Health Service. In other cases, such as the unemployment insurance service, 100 percent of all the administrative expenses is supplied by the Federal Government. How can it possibly be conceived to be an invasion of the rights of any State to say to the State officials, "When you spend Federal funds you shall be subjected to precisely the same requirements that Federal officials directly spending Federal funds are compelled to meet?"

Mr. STEWART. Mr. President, will the Senator yield?

Mr. CLARK of Missouri. I shall be glad to yield to the Senator in a moment.

Until a couple of years ago the unemployment service in the various States was under, and directly administered by,

the Federal Government itself. That service has now been transferred to the direction of the States, but the funds are supplied to the extent of 100 percent by the Federal Government. If that service were still under the direct administration of the Federal Government, it would be subject to the provisions of the Hatch Act passed last year. Why should State officials, using 100 percent of Federal money for the purpose of contacting poor devils who want jobs or who want unemployment insurance, be permitted to proceed in any different fashion, so far as using the money for political purposes is concerned, than the Federal officials who formerly manned the offices, under the terms of the original Hatch Act?

I now yield to the Senator from Tennessee.

Mr. STEWART. Mr. President, I am sure that the purpose in the mind of the Senator from Missouri is the same as the purpose in my mind. I am as anxious as is any other Senator to see laws passed which will rectify and correct certain conditions which we all believe to exist in this country at times of election, and to purify politics, if I may again use that hackneyed phrase. I will go as far as the Senator from Missouri or anyone else will go in the passage of a law to prevent intimidation, coercion, and abuses of that character.

My belief about the bill is that when it provides, as it does in section 12, that—

No such officer or employee shall take any active part in political management or in political campaigns.

That is an absolute invasion of States rights, in this particular: It is not confined, restricted, or limited to the election of Members of this body or of the House, but it prevents State officers from participating in the election of members of the school board in remote counties in my State of Tennessee. It prevents them from participating in the election of a mayor in the smallest municipality in the State of Tennessee. It prevents them from taking part in any political campaign. I do not believe that a class of people who are competent and qualified and able to hold such jobs as teaching school or performing other public duties should be taken out of the political arena, or that we should be deprived of the benefit of their advice, their ideas, and their suggestions.

I will go as far as any Member of this body will go in undertaking to correct such evils; but I think we are overdoing matters when we say that State officers may not engage in political activities in any sense. That is reaching far beyond the purpose most of us have in our minds.

Mr. CLARK of Missouri. With great respect for the opinion of the Senator from Tennessee, let me say that the provisions which have been complained about as to prohibition of political activity on the part of the workers are inserted for the protection of the workers themselves, and not as any penalty against them. They are inserted so that when the Governor of a State says, "I am for John Jones for secretary of state," or "I am for Sam Brown for auditor," or "I am for somebody else for something else," or "I want to run for office myself, and you fellows get out and get busy," he will not be able to terrorize the fellows holding the small jobs by saying to them, "You get out and get busy, or you will lose your jobs."

I say that the whole purpose of the bill is not in any sense an invasion of State rights, but simply, so far as Federal funds and Federal funds alone are concerned, to apply to funds expended through the States the same rule that applies to funds expended directly by the Federal Government.

Mr. President, yesterday I picked up a newspaper and read an account of an official of a State, a man who among other activities had under his charge the State highway department, who had committed suicide. It seemed that in addition to his official duties he was the man who was required to receive contributions from State highway officials, highway employees, contractors, and others, and that at one time he had had in his possession as much as \$700,000. When the Federal income-tax authorities came around and began to

quiz him about his activities the man committed suicide. I say that if the Hatch Act, as proposed to be amended, had been in effect, that man would probably be alive today.

Mr. LUCAS. Mr. President, will the Senator yield?

Mr. CLARK of Missouri. I yield.

Mr. LUCAS. I do not want to interrupt the Senator, but he is talking on a very delicate subject. He has made the assertion that when the income-tax authorities investigated the man to whom he refers, who undoubtedly is the late F. Lynden Smith, of Illinois, he committed suicide. The Senator is so wrong in his premise in the first place, and in his conclusion in the second, that I think the Senator should be very careful in making a statement of that kind.

Mr. CLARK of Missouri. I certainly desire to do an injustice to no one. I merely repeated what has been carried in the public press of the United States. If that statement be incorrect, then I apologize.

This much is undoubtedly correct, and I take it the Senator from Illinois is in agreement with it:

This gentleman—and he was a splendid gentleman—I, myself, was acquainted with him—had under his control, in a public capacity, the highway department and other public works.

Mr. LUCAS. That is true.

Mr. CLARK of Missouri. He also was the treasurer or handler of the various campaign funds raised from employees, both State and Federal, and from contractors and various other persons; and he did commit suicide, unfortunately, which I very much regret.

That much is indubitably true, is it not?

Mr. LUCAS. No; the Senator is trying to explain a situation in another State which may or may not concern him.

Mr. CLARK of Missouri. It is merely an example which concerns the whole country, so far as the legislation we now have before us is concerned.

Mr. LUCAS. Mr. President, if the Senator will yield—

Mr. CLARK of Missouri. I am glad to yield.

Mr. LUCAS. The Senator from Missouri is touching upon a subject matter involving an individual who was reported in the newspapers as having committed suicide. But there are a number of angles the Senator does not touch upon at all in connection with the physical and mental breakdown of the individual who was my friend and who was my fraternity brother in college. I cannot permit the Senator to leave the impression in the Senate, and let it go to the United States at large, that because of the activities of tax investigators in connection with the funds Mr. Smith collected as 1936 campaign manager for Henry Horner—the greatest Governor Illinois ever produced—and as manager for the campaign of 1938, he committed suicide. I am informed that he received voluntary contributions from men on the pay roll and from men who voluntarily contributed thousands of dollars to see a man like Henry Horner re-elected, but the inference that he took his life because of an income-tax investigation regarding this fund is entirely erroneous.

Mr. CLARK of Missouri. Let me say to the Senator from Illinois that I had no intention—

Mr. LUCAS. That is the impression which was left.

Mr. CLARK of Missouri. I had no intention whatever of leaving such an inference, and if I left such an inference as that I am very glad to apologize, for I do not think it has ever been suggested from any quarter that this gentleman, himself, had profited as much as 1 penny from that business so far as his own income was concerned. But, as a matter of fact, he was the treasurer of that fund; that was a matter of public notoriety which everybody knew. The point I am making is that in his official capacity, if he had not been charged with that duty, I have no right to say that he would still be alive; but I mean that is a circumstance which points a lesson in connection with such a fund as that.

Now, I repeat what I said in the beginning, that there is nothing whatever in this bill that in any way invades legitimate States' rights.

Mr. MINTON. Mr. President, during the short time I have been in the Senate no piece of legislation which has come before it has been more earnestly and sincerely and genuinely debated than has the measure now pending. So when we hear the Senator from Missouri talking about filibusters we cannot be much impressed with his objection, if such it be, or with his slighting remarks, if such they were, about the opposition to this bill, for we all know the Senator from Missouri himself is not averse to taking advantage of a parliamentary situation.

Mr. CLARK of Missouri. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. ELLENDER in the chair). Does the Senator from Indiana yield to the Senator from Missouri?

Mr. MINTON. I yield.

Mr. CLARK of Missouri. I agree entirely with the Senator from Indiana; I have engaged in filibusters, and I probably will engage in more of them during the time that I am in the Senate—if I do not die. That is the reason I know one when I see one, and when I organize one or engage in one I do not beat about the bushes.

Mr. MINTON. And when I am engaging in one, I do not get up, like the Senator from Missouri, and wrap the mantle of holiness about me and claim that I am not filibustering. The Senator from Missouri may deny that this bill has been legitimately debated; but, of course, his confession could not be other than it was about filibusters, because the RECORD is full of his tactics. Only a few days ago the Senator from Missouri, for some reason sufficient unto himself, did not want to see the beer interests compelled to keep their advertising off the radio. I do not know why the Senator was interested particularly in that bill or why he wanted to defeat it and why he wanted to filibuster against it, but the Senator from Missouri had reason sufficient unto himself to be against the bill that would prevent the radio from invading homes and talking about that character-building beer. [Laughter.] So the Senator, in order to accomplish his purpose of delay, very promptly offered as an amendment to that bill the anti-lynching bill, which he knew would provoke and bring on a filibuster.

So I am not much impressed by the Senator's holier-than-thou attitude toward a filibuster. I am not much impressed, either, with the purity pleas of some people. All those who are for the Hatch bill are pure, and all of us who are against it are impure.

When this proposed legislation first came out of the committee the story was carried to the country by some of the newspapers that there were merely two or three "smelly" fellows here by the names of LUCAS, MINTON, and STEWART who were against this bill. Now we have had a week or more of conscientious, serious, earnest debate about the bill; on one of the most fundamental amendments offered to the bill the vote was 44 to 41, and some of the most distinguished men who have ever honored the Senate with their presence and membership voted with the 41. So, Mr. President, when I look about me and see Senators putting on this holier-than-thou act about being for the Hatch Act, I know they are for the Hatch Act because they have a fight in their States with the Governor or the road commissioner who might run against them. That is how holy they are. They want to use the Hatch Act to play the kind of politics they desire to play.

Mr. CHAVEZ. Mr. President—

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from New Mexico?

Mr. MINTON. I yield.

Mr. CHAVEZ. With the indulgence of the Senator from Indiana, I am willing to make this statement before this body: The Hatch law was in existence at the time appointments under the Census Bureau were made in my State, and every appointee of the Census Bureau was made through the clearance of the State Democratic committee.

Mr. MINTON. So, Mr. President, whether or not one is holy in his position on this bill stems from whether or

not he has a political fight of a different complexion in his own State.

We have seen that illustrated on all sides in this debate. So we who are making a determined opposition to this bill are not going to sit idly by and have Senators rise and shout in our faces about their holy attitude in politics. No; we know the kind of politics they want to play and the kind they hope to get out of this species of legislation.

Mr. President, the other day I picked up a newspaper that circulates in southern Indiana from Louisville, Ky.—the *Courier Journal*—and there I read a streamer across the top of the *Courier Journal*, 8 columns wide, carrying this legend: "Republicans in Indiana Believe the Passage of the Hatch Act Will Help Them." Yet Senators rise and talk about "purity in politics." Senators on the other side are playing smart politics, walking up and toeing the line and casting 20 votes, 21 votes, 23 votes for the Hatch bill like a bunch of rubber stamps. [Laughter.]

Mr. JOHNSON of Colorado. Mr. President—

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from Colorado?

Mr. MINTON. I yield.

Mr. JOHNSON of Colorado. I was wondering if the Senator from Indiana happened to note in yesterday's Sunday newspapers the report of a little meeting held in Chicago, wherein the Governor of South Dakota was reported to have condemned the principles involved in the Hatch Act as invading State rights? The particular Governor, as the newspaper stated, is reported to be a candidate for Vice President of the United States.

Mr. MINTON. I saw something about that. I say that Senators view the Hatch bill in the direction in which it helps them. So we have the spectacle here not of purity on the part of our friends over there but of practical politics, smart politics, Hatch Act politics. [Laughter.] They want to "Hatchet" the Democratic Party out of Washington. That is what they want to do with the Hatch Act. They do not want to purify politics. They are the direct descendants and heirs at law and next of kin to Warren Harding, Harry Dougherty, Forbes, Miller, Denby, and Albert B. Fall. They are not pure. [Laughter.]

I know whence this opposition comes. It comes from "pure politics" with emphasis on the word "pure." I should think the Senators over there should be commended, however, for their silence. Their votes speak volumes but they are "plenty smart" when it comes to getting up to say anything they are as silent as Cal Coolidge himself [laughter] who once reigned over the odorous empire of the Republican Party. They sit silently over there in order to benefit by the kind of politics that is being played with the Hatch bill.

So, Mr. President, we are going to try to debate this bill to its ultimate conclusion on its merits, and I hope we will not be diverted. I hope the leadership of the Senate will not try to divert us from legitimate debate upon the bill. I am willing to meet this bill eventually, and I am willing to "go to the mat" on it, because if we debate it a few hours longer I believe the people of the country will see that what we have been doing is fishing around for minnows while the sharks and the barracudas run wild in the pool.

I know that my good friend from New Mexico [Mr. HATCH] is wrapped up in this legislation. Bless his heart. It is his own child. It is the child of his heart, and his whole life is wrapped up in it. I want to say to my friend from New Mexico that he has worked long and hard on this kind of legislation. He has given a great deal of intelligent consideration to the question of impure politics. I commend him for all his efforts; and I say in all sincerity that there is not a cleaner, finer, more conscientious man in public life today than the senior Senator from New Mexico. I just think he is cockeyed; that is all. [Laughter.]

The Senator from New Mexico is just off on the wrong trail. He reminds me of an old coon dog we used to have down in southern Indiana. We boys had a good coon dog. He was a good treeing dog. He would run to cover any

animal he got scent of that had fur on its back. He was a marvelous treeing hound. He would run a coon or a 'possum or a skunk to the tree every time. Now, do not tell me that skunks do not go up trees. They do not; but we always called running them to the ground "treeing" them, just the same. So this hound was a good treer. If he got on the trail, he would run down any of these animals; but if that darned dog went out at night across a cornfield and sniffed a field mouse, he would hunt field mice all night.

That is what my friend from New Mexico has been doing. He has been hunting for field mice. He is all right; he means well; and once on the right track, he will go to his objective as unerringly as the martin to its gourd; but he is on the wrong track. He is shooting at the two-bit fellows out on the highway with a sickle in their hands cutting the weeds, and letting Joe Pew and the Du Ponts and the Annenbergs and the Ernest Weirs and all of the big-boodle boys get away. So I say that what we ought to be doing is to be directing our attention first and primarily to the important thing. Do not let the Senator from New Mexico come here and say, "Ah! We will get these little fellows out there with the sickle, and then we will come around and get Joe Pew and Moe Annenberg and Ernest Weir." You will not get those gents if you do not tie them in with the little fellows. You will have to make that combination if you want to get the big boys; and, for my part, I want to get the big boys.

Mr. President, I am proud of the Democratic organization in my State. I know the men and women who do the work day and night in my State, and what is the work that they do? What does a precinct committeeman have to do? At night—not when he is working out on the highway, but when he comes home at night—he goes through his precinct ringing doorbells and calling people to the door, and asking them, "How are you going to vote this year? What do you think about the program of my party this year? Are you going to support the party ticket?"—polling his precinct, finding out what his people are thinking, carrying the message to headquarters, canvassing the situation, and then going back and trying to talk to John Doe and Richard Roe and Billy Jones and find out why they are off the party, if they are off, and what he can do to get them back on to the party ticket again. That is what he is doing; and then, when election day comes, he must see that his precinct is all registered, if it has a registration law, and he must know where his vote is, and he must get his vote out to the polls and into the ballot box in order that his party may be successful at the polls.

Is that pernicious? That is the work of the precinct committeeman; that is what these men are out doing; and, lo and behold, along comes this law and says, "You are engaged in pernicious political activity. You, who all your life have been a Democrat or a Republican, and took pride in the fact that you had fought the party battles for years and years, and when your party gets into power you have a little piddling job offered you out on the highway as a mower of weeds or a patrolman, and you go out and do your work for 10 hours a day—when you come in at night you cannot go down in the precinct and talk a little politics to your neighbors. You cannot go down there and work for the party that has given you bread and meat, if you please." Ah, he has worked his 8 or 9 hours out on the highway. He has done the things he is hired to do, but now you will not let him do the things he wants to do, on his own time, and in his own way. You want to make him an outlaw. You want to brand him as pernicious. You want to say he shall not do these things.

The Senator from New Mexico says his bill does not outlaw all political activity. No; he will let a man vote. He has not gone that far, but that is about all the man can do. If the window curtains were all pulled down, and the doors closed, and all the cracks closed up, I think he might be able to tell his wife that he thinks she ought to vote the Democratic or Republican ticket the next day, but if he goes further than that he will be engaged in a pernicious political activity.

So, Mr. President, I am not ashamed of these men and women in the political organization of Indiana. On the contrary, I am proud of them. A finer, cleaner, better set of men and women never walked in shoe leather in this country. I am here on the floor of the Senate today battling against this legislation which would seek to brand the people of Indiana who go out in a humble way, as free American citizens, and take part in politics, as doing something unworthy, and something to be penalized.

So, Mr. President, we are fighting this fight because we believe just as sincerely that we are fighting the fight of the little fellow, that we are fighting the fight of the American citizen, that we are fighting the fight of democracy, as anybody on the opposite side can believe that he is engaged in a fight for pure politics. I think it is pure politics. There is always a brand of politics mixed up in it. I am not ashamed of politics. I am proud of politics. I do not want to drive people out of politics. I want to invite them into politics. I want them to take part in politics. I do not want to coerce them. I do not want to threaten them. I do not want to oppress them, but I want to say to every man jack of them, "As long as you voluntarily want to work for the election of your friends to office, for the election of your party's candidates, or to take part in a local election involving your schools or your municipal affairs, if you want to do that voluntarily, without coercion, intimidation, or oppression, you have a God-given American right to do that sort of thing"; and Heaven help this country whenever the time comes that we shall outlaw that kind of activity.

Instead of branding these people as undesirable and pernicious, we should be encouraging more people to take part in politics, because, after all, it is politics by which we all live. I pause long enough for any Senator or any number of Senators who got here without the aid of politics to stand and be counted. There are quite a few of you here, and I do not see anybody standing up. You all got here because of politics. There is nothing unholy about politics as such. I am for clean politics, and I think all of you are for clean politics. I think every Senator here is for clean politics.

We play a little politics with legislation as we think it may help or hurt us. I am not finding fault with anybody about that, because I know you have all lived by politics so long that it will not do to try to wean you now. You are all politicians, or you would not be here.

So, Mr. President, let us have no more pointing of the finger of the holier-than-thou people. Let us have no more of the smugness that sometimes characterizes remarks on the floor of the Senate, directed at persons with whom we do not agree.

As I said in the beginning, I am satisfied that my friend from New Mexico is as honorable, as honest, and as sincere as any man ever could be; but I think he is mistaken; I think he is woefully mistaken. So, Mr. President, we are going to continue in good faith the opposition to this bill. I hope we can defeat it, and that we can direct the attention of the Senator from New Mexico away from the field mice, and get it back on the right trail.

Mr. HATCH. Mr. President, I rise merely to return the compliment of the Senator from Indiana. Everything he has said as to my intentions and purposes I can say about him. I have never questioned the purpose of any Senator. I have never questioned the motive of any Senator. I have never assumed any holier-than-thou attitude in connection with this or any other proposed legislation. I have accorded to every Senator the right to make up his mind on every piece of legislation, and to vote the way he thinks is right, and best for his country. I have asked that that and that alone be the rule as to the particular bill now before us. Only last week I stood here and asked that we have a vote; that is all. I did not indicate how I thought any Senator should vote. I contended that those of use who believe in the principles of the pending bill, who believe that they are right, and who believe it is to the advantage and welfare of this country that this bill be enacted, should have the right to express our belief by

our votes in the Senate of the United States. That is all I ask at this moment.

Mr. President, that brings me to the pending motion, and causes me to say what I regret very much to say, for, as the Senator from Missouri has said, the Senator from Georgia [Mr. RUSSELL] has supported faithfully the pending bill, and I think all other measures of this kind. He has been a valiant fighter in behalf of this character of legislation. I should like very much to say to him that I am glad to agree to his proposal that we take up the agricultural appropriation bill, not only because the Senator from Georgia is in charge of that bill, but also because it is a farm bill, because it provides the annual appropriation for agriculture; and I shall support the Senator from Georgia in his bill, and in all his committee amendments, I am quite sure. I have always done so.

I dislike to take any position or attitude which might be construed as being in opposition to the welfare of the agricultural interests of the country. Nevertheless, I cannot agree to the proposal of the Senator from Georgia, and I hope his motion will be voted down. It is true that we have had debate on the pending bill. Whether there has been a filibuster or not makes no difference at all. The whole subject has been debated pro and con. If anyone can think of a word that has not already been said on this bill and the various amendments, in the arguments which have been made, I shall be greatly surprised. We are already saying over and over again the things which have already been argued.

Because the bill has been debated, and because it should take but little time to finish its consideration, if we confine ourselves to legitimate argument and debate, I do not want the bill laid aside, and I believe we can take sufficient time to debate legitimately every amendment which has been offered and yet be through by 5 o'clock tomorrow afternoon, as the majority floor leader has suggested.

But even if we are not through by 5 o'clock tomorrow afternoon, I know full well that if we lay the bill aside and take up the agricultural appropriation bill, which may take several days, and then in turn take up the reciprocal trade agreements program, which may take weeks—and I intend to support that program also; both measures are very dear to me, and I probably shall participate in the debate on both measures—I know that if we lay aside the pending bill and drag out for weeks and weeks, even if it does come back a month or 6 weeks hence, it will be dead, it will be killed for this session, and we will not have a chance to cast the vote which the Senator from Indiana wants us to cast.

He wants to face the issue. So do we. Therefore why not face it now? Why not vote yea or nay, and pass the legislation if it is good, and kill it if it is bad? I ask nothing more than that.

Mr. President, I hope the motion of the Senator from Georgia will be defeated.

Mr. NORRIS. Mr. President, after all, the question now presented to the Senate is, Shall we lay aside the pending bill and take up another one after we have devoted more than a week to the discussion of the bill, at a time when it looks as though we were about through with the discussion, and would reach a conclusion upon the bill and the amendments?

If we followed that kind of procedure in the Senate with regard to all pending legislation as to which there was a nearly equal division of sentiment on its merits, and gave way to appropriation bills, which everyone concedes are extremely important, which must be passed in some form in order that the Government may continue its activities—if we adopted that procedure generally, it would happen almost universally that any proposed legislation upon which Senators were nearly equally divided would fail, because we would lay aside one bill and take up another if we thought the other was of greater importance. The agricultural appropriation bill is of extreme importance, but I do not know of any reason why it has to be passed today, or this week, or next week. It would not go into effect until the 1st of July.

We have argued the pending bill for a week and should vote on it. Let me call attention to another thing, which has

already been said by the Senator from New Mexico, that if the pending bill shall be laid aside and another one taken up, followed by another bill which the Senator mentioned, nearly as important as the agricultural appropriation bill, and followed by other appropriation bills which will be coming in, even if we take the pending bill up again, in all probability it will be weeks before that can occur if we lay it aside for all these important matters. That has already been stated, but let me call attention to the fact that this is probably the last session of this Congress. If this parliamentary condition had existed at the last session, it could have been said, and truthfully said, "Even though we do not get the bill through during this session, we can take it up at the next session just where we leave off." But if the bill fails of passage at this session, all the work that has been done, and all the time that has been spent, will have been wasted, because the proposal will be dead; it will be the end of the Congress, and we will have to commence again at the very beginning.

Mr. President, everyone knows that all the appropriation bills must be enacted before the 30th of June, and there is no doubt that they will be, even though they remain in conference for a long time. But if we pass the pending bill now, undoubtedly after the House acts on it it will be sent to conference, and there will very likely be a bitter contest in conference, and probably much more time spent by the conferees than has been spent by the Senate in discussing the bill. So I say to the friends of the bill that if we agree to the motion made by the Senator from Georgia there is danger that it will mean the death of this particular kind of legislation at this session of Congress.

I do not blame Senators who are opposed to the proposed legislation for voting for the motion. If I were opposed to it, I would vote for it. It is a legitimate method of parliamentary procedure. I challenge no man's motives. I assume all men have motives which to them, whether they are for or against a particular bill, are sufficient to satisfy their own consciences; but, after all, when we follow legislation to the end, a majority in each House must favor particular legislation or it cannot become the law.

I do not see any question of bad motives here. I do not see any question involving a holier-than-thou attitude. I do not know of any criticism made against anyone who is opposed to the proposed legislation. I would not criticize anyone for voting in favor of amendments which he thought would kill the bill. That is a legitimate method of legislating. It is one pursued here and pursued in every legislative assembly of which I know anything.

Mr. President, it seems to me no reason exists for charging bad faith to anyone. An honest disagreement exists. I concede that ground for honest disagreement exists. The weight of the argument is not all on one side. But as a friend of the bill, as one who wants to see it enacted into law, I challenge anyone to question my motives in taking the attitude I have, since I believe in the need for the passage of the measure, or to challenge the motives of anyone else who takes the same attitude.

Mr. GLASS. Mr. President, will the Senator yield?

Mr. NORRIS. I yield.

Mr. GLASS. No one in the Senate or out of the Senate would presume to challenge the motives of the Senator from Nebraska, but in this debate those of us who are opposed to the pending measure have been classified as spoilsmen, in contrast with those who are in favor of it.

Mr. NORRIS. Mr. President, I distinctly wish to disavow any such argument by anyone.

Mr. GLASS. Well, it has been made.

Mr. NORRIS. I cannot help that, of course. I think the same argument has been made in the present debate with respect to those who take a different attitude. In view of the nature of the debate which has taken place, and the character of the pending legislation before us, I do not believe it worthy of any Senator to make such a charge either way.

Mr. President, I favor the bill which the Senator from Georgia [Mr. RUSSELL] has moved to consider. I realize how

earnestly, how faithfully, the Senator from Georgia has worked to get the bill in its present shape. I have tried to follow his work in the committee. I commend him for what he has done. So far as I know, I favor every one of the amendments which have been agreed to by the committee, with perhaps one exception. I would not want that bill killed under any circumstances. I think it involves some appropriations which are vital to the continued happiness and prosperity of the country. It contains some appropriations which probably will be contested. I expect to be one of those Senators who, in a humble way, will stand behind the Senator from Georgia, and help him in his work and in his endeavor to get the bill before the Senate.

So, Mr. President, I do not want it understood that my vote against taking up that bill now means that I am opposed to it. I am as much in favor of it as is the Senator from Georgia. But, in my opinion, we shall get nowhere if we start in with legislation, work halfway through it, or two-thirds of the way through it, and then stop and take up something else. It seems to me that we are not justified in taking such action unless we are opposed to the legislation under consideration. Of course, in that event, we would be justified in voting to kill the legislation at any point or stage.

Mr. President, I wanted to make that statement, and have the Senator from Georgia understand, and also the country understand, as well as the Senate in general, that neither directly nor indirectly can it be said of those who are going to vote against the motion of the Senator from Georgia that they are opposed to the legislation proposed, but, under all the circumstances, they think it is the wise thing and the right thing to keep on with the pending legislation until we finish it, whether the result goes against us or in our favor.

Mr. BANKHEAD. Mr. President, I wish to make a comment in a brief way concerning the pending motion. Before doing so I ask unanimous consent to present an amendment which I ask to have published in the RECORD, and printed and lie on the table awaiting its proper presentation. The purpose of the amendment is to limit the contributions by corporations when Federal officials are to be elected, including the President of the United States, to \$1,000. I shall discuss that matter at the appropriate time.

Mr. President, it has been suggested that the amendment be read at the desk. Therefore, I ask that the amendment be now read, because I believe it to be of great importance. Of course, I do not ask for action on the amendment at this time.

The PRESIDING OFFICER. Without objection, the amendment will be read.

The LEGISLATIVE CLERK. At the end of the bill it is proposed to add the following section:

SEC. —.

(a) Excessive financial aid to any candidate or expenditures by any candidate for an elective Federal office is a pernicious political activity and is hereby declared to be illegal. The President of the United States for the purpose of this act is declared to be an elective officer.

(b) Excessive financial aid to any political committee engaged in furthering, advancing, or advocating the election of any candidate for a Federal office, or any committee engaged in furthering, advancing, or advocating the success of any national political party is a pernicious political activity and is hereby declared to be illegal.

(c) Any amount expended, contributed, furnished, or advanced by one person or corporation directly or indirectly in excess of \$1,000 is hereby declared to be excessive financial aid.

(d) Any person or the officers of any corporation who directly or indirectly contributes more than \$1,000 during any calendar year or for use in any one campaign or election in violation of the provisions of this section is guilty of pernicious political activity, and on conviction shall be fined not less than \$5,000 and also sentenced to the penitentiary for not less than 5 years. It shall be the duty of the court to increase the fine in accordance with the amount contributed and with defendant's ability to pay.

The PRESIDING OFFICER. The amendment offered by the Senator from Alabama [Mr. BANKHEAD] will be printed, and lie on the table.

Mr. CLARK of Missouri. Mr. President, will the Senator yield?

Mr. BANKHEAD. I yield.

Mr. CLARK of Missouri. Would the Senator be willing to accept an amendment to his amendment to limit the price of Democratic dinners to \$2.50?

Mr. BANKHEAD. I should like to know if the Senator has been paying any more than that. [Laughter.]

Mr. President, recurring to the pending motion, which is the motion of the Senator from Georgia, it seems to me we should not permit partisanship—and I do not mean to use that word to signify political partisanship, but I mean as partisans with respect to the Hatch measure, to actuate us in deciding what action we shall take. We should view this problem from the standpoint of good procedure, looking to the advancement of probably the most important bill now pending in Congress, and we should vote on this motion regardless of our position in opposition to or in favor of the Hatch bill.

I have never made any denial of engaging in filibustering when I thought it was necessary and the situation called for it. I do not, however, have any desire to filibuster with respect to the Hatch bill. If I had I would say so, because I have often admitted on this floor that I was participating in a filibuster, just as the Senator from Missouri [Mr. CLARK] has done, and I commend him for his courage and candor. But the question of filibustering and the effect of a filibuster on the Hatch bill should not control action on the motion of the Senator from Georgia.

Mr. President, there are good reasons, which should appeal to our judgment, why the agricultural appropriation bill should now be considered and speeded on its way. We all know that there are probably more changes in the pending agricultural bill than have ever been presented in an appropriation bill in the history of the Government. We have all read in the newspapers about the countless number of changes made by the House with respect to the various appropriation items. The Senate committee has been diligently at work, led and headed by the junior Senator from Georgia, who is always faithful to the cause of agriculture, and at the same time is fair to the taxpayers and to the Members of the Senate. The committee has been diligently engaged in the consideration of this long, tedious bill.

I do not think it would take any great time, considering the length of the bill and its importance, for it to be acted on by the Senate. But, Mr. President, we must not lose sight of the fact that after it is passed by the Senate, the real struggle will begin. When the Senate conferees are appointed they will meet a group of determined conferees from the body at the other side of the Capitol, who will enter the conference with the determination to uphold the action of the House on each of these numerous items. I have been in conference committees of that sort. I was a member of the conference committee on the agricultural appropriation bill at the last session of the Congress, and I know the struggle that took place there. I know the discussions and arguments that were necessary.

Then, if perchance we reach an agreement, the bill must go back to the House for debate, and on numerous items there must be a separate vote in the House. So much time will be required before the bill can be sent to the White House. Let me say to the friends of the farmer that in my judgment it is important to get this bill to the White House before some other appropriation bills reach there. Those who are really interested in proper and adequate appropriations for the cause of agriculture should take that thought home.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. BANKHEAD. I yield.

Mr. McKELLAR. That is especially true insofar as the parity-payment provision of the bill is concerned, which provision was inserted by the Senate committee.

Mr. BANKHEAD. Yes; in my judgment that is the most important provision in the entire bill.

Mr. McKELLAR. Of course.

Mr. BANKHEAD. Let me say this to the advocates of the Hatch bill: I am against it, as Senators know. Without having said so, practically all Senators know why I am

against it. Principles are involved with regard to which Senators know my views. I have taken no time on the floor. I had not intended to participate in any deliberate filibuster. I think a full discussion of so important a subject is certainly appropriate. Except for possibly Saturday afternoon—and I am not entirely familiar with that situation—every Member of the Senate knows that the debate during the past week was on a high plane, and was devoted to a discussion of principles and issues. Saturday afternoon, in the absence of many Members, there were reasons why action should not have been taken; and it was thought by many that the determination of the majority leader to force an unusual Saturday session was due to undue pressure and coercion to expedite and hurry the bill. I do not know whether or not that is true. I do not charge it. However, I am stating some of the motives which may have prompted some speeches on Saturday afternoon which otherwise might not have been made.

These controversies nearly always have two sides to them, as practical politicians and experienced businessmen know. Why should not the advocates of the Hatch bill—and I include, I am sorry, the Senator from New Mexico [Mr. HATCH]—agree to the present consideration of the agricultural appropriation bill?

The Senator from New Mexico knows that I love him. If there is any one cause of reluctance on my part to oppose the pending bill, it is my great respect and affection for CARL HATCH. He knows I love him. We have been associated together in many matters. However, I submit to him and to the majority leader, and to other Senators who will vote on the pending motion, that the agricultural appropriation bill is of greater general interest and importance to the people of the country than a corrupt-practices bill, however important it may be to those who are interested in it.

Further, I wish to say that when the agricultural appropriation bill shall have been disposed of—which may be within a very few days—and started on its way across the Capitol, the Senator from New Mexico, having the full support of the majority leader, may obtain recognition, or the majority leader in his own right may make a motion to resume consideration of the Hatch bill. Evidently there is a majority of the Senate to force such a motion. So what is the common sense in shying away and being afraid that if agriculture is given prior consideration the Hatch bill, if displaced at all, will go to its grave?

That attitude can be the result of but one line of reasoning, and that is that the leaders in support of the Hatch bill are afraid of a little delay. It cannot be anything else. In every vote we have had thus far, the supporters of the Hatch bill have had a majority. They have the leadership. They have the right-of-way. They may meet, adjourn, move to take up, and do everything that is necessary to obtain action upon the Hatch bill after the agricultural appropriation bill shall have been disposed of.

So I again appeal to the leaders to dispense for the present with their active partisanship on this particular subject, and let us get down to some legislative work in which the country is vitally interested and on which it is waiting with anxiety. Let us get down to the consideration of a measure in the interest and welfare of a great unorganized mass of voters and people in this country, more numerous—if numbers are important—than the road workers, the W. P. A. workers, and the bosses covered by the Hatch bill.

The farmers are not economically interested in the Hatch bill. The subject is a political one, as was stated by the Senator from Indiana [Mr. MINTON]. The Hatch bill may be brought up if a majority wants it brought up. If a majority does not want it brought up, it ought not to be brought up. No one will dispute that statement. The supporters of the bill have the power to bring it up just as soon as we pass the agricultural appropriation bill. No one knows how long the supposed and alleged filibuster on the Hatch bill will last. I do not know. I have seen filibusters run for 6 weeks. I can prove that statement by the Senator from New York [Mr. WAGNER].

Mr. SMITH. The Senator can prove it by many others.

Mr. BANKHEAD. I do not know what Senators have in their blood on the subject of endurance. As I frankly stated, I myself have no desire to go into a filibuster on the measure, earnestly as I am opposed to it. I am not asking anyone not to conduct a filibuster. If one is conducted, frankly, I shall go along with it.

Suppose we have a filibuster, as it is charged we now have. I have not heard anyone deny the charge. I do not know what is meant by the word "filibuster." Some use it in an offensive sense—a pernicious sense. Others use it as an exercise of inalienable rights. I have heard that line of argument in connection with the Hatch bill.

As I say, I do not know how long the alleged filibuster will last. Evidently the necessary manpower is present, evidently the ability is present, and apparently the determination is present, to debate the subject until the people of the country understand the motive behind some of the support and the effect of the bill upon millions of people of the country.

That is the way the matter stands. If we hold up the agricultural appropriation bill indefinitely, we shall not accomplish anything except to endanger the agricultural appropriation bill. To be frank about it, in the event enough other appropriation bills are passed to endanger the debt limit, we shall endanger the agricultural appropriation bill.

Let us go on and finish this bill; and then, if it is desired again to take up the Hatch bill, its supporters have the power to do so, and they know it.

Mr. HATCH. Mr. President, will the Senator yield?

Mr. BANKHEAD. I yield.

Mr. HATCH. The statement which the Senator has just made is exactly all we have asked. Let us go on and finish the bill.

Mr. BANKHEAD. I am referring to the agricultural appropriation bill.

Mr. HATCH. I am referring to the Hatch bill.

Mr. BANKHEAD. We may have an indefinite filibuster, and the Senator knows it.

Mr. HATCH. Mr. President, will the Senator further yield?

Mr. BANKHEAD. I have told the Senator that the filibuster is not coming from me, and he knows it.

Mr. HATCH. I am quite sure the Senator will not engage in a filibuster; and from the remarks of the Senator from Indiana [Mr. MINN] a few moments ago, I judge that all that is desired is to have legitimate debate and then a vote on the bill. I am perfectly willing to have that.

Mr. BANKHEAD. If the Senator has a majority—and he thinks he has, and I think he has—does not the Senator admit that as soon as we finish the agricultural appropriation bill a motion may be made to make the Hatch bill the unfinished business?

Mr. HATCH. I am not at all sure that that could happen.

Mr. BANKHEAD. Why? Let the Senator be frank. I am trying to be frank. Let us be frank with each other.

Mr. HATCH. What I anticipate will happen is that a motion will be made to take up the reciprocal trade agreements measure as soon as the agricultural appropriations bill is finished, and that measure may require weeks and weeks of debate.

Mr. BANKHEAD. I do not think that is likely. A majority would be required to consider that measure.

Mr. HATCH. If a motion is made to take up the Hatch bill, we shall have another debatable motion.

Mr. BANKHEAD. If the Senator gets into all those difficulties, he has not a sincere, genuine majority for his bill. He has a political vote which makes a majority.

Mr. HATCH. I am perfectly confident that we have debated the bill from every angle, and that Senators have made up their minds how they will vote on the amendments and on the bill. All I ask is that they have the opportunity to vote. I do not question the motives of any Senator, no matter how he may vote.

Mr. BANKHEAD. I have heard the same argument for weeks and weeks on other measures. That is a legitimate statement. However, those who do not want a vote do not

say, "Yes; let us vote." The Senator knows that. I think he will find that the opposition will not permit unanimous consent for a quick vote. That is the reason why I urge with earnestness that we should not make the Hatch bill paramount to all other legislative considerations. If the Senator insists upon going ahead with the Hatch bill, he will be subordinating the cause of agriculture to the corrupt-practices bill.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. BANKHEAD. I yield.

Mr. BARKLEY. I have no intention of provoking or being provoked into an argument with the Senator from Alabama.

Mr. BANKHEAD. I have not tried to provoke the Senator.

Mr. BARKLEY. I understand that. A while ago the Senator referred to the session on last Saturday—

Mr. BANKHEAD. I did not refer to it in any critical spirit. I wanted to hold such a session.

Mr. BARKLEY. I thank the Senator.

Mr. BANKHEAD. What I said was not in criticism; but I said that from what I had heard from other sources there was resentment, on the theory that the majority leader was trying to drive to a vote on the Hatch bill.

Mr. BARKLEY. No. I will say to the Senator frankly that the reason that up to now we have had very few Saturday sessions, though we have had one or two, has grown out of the fact that the Senate has had no business to transact. It has been the practice of the Senate from time immemorial that when it had business to justify a Saturday session such a session would be held, and I felt that to hold a session on Saturday might gain some time in the final vote on the bill.

Mr. BANKHEAD. If I have differed at any time with the Senator about having Saturday sessions, it has been because we did not hold them.

Mr. BARKLEY. That may be true, and I thank the Senator.

Mr. BANKHEAD. I favor Saturday sessions when we have unfinished business just as I favor sessions on every other working day.

Mr. BARKLEY. I agree substantially with the statement made by the senior Senator from Nebraska [Mr. NORRIS] a while ago. It has been my understanding, and I have conferred freely and frankly with the Senator from Georgia about the agricultural appropriation bill, and have felt that that bill could be passed in about 2 days, and perhaps not that much time would be required.

Mr. BANKHEAD. Frankly, I do not think it would take that long.

Mr. BARKLEY. The bill provides annual appropriations for the fiscal year 1941, which begins on July 1, 1940, aside from some items which may be made available before the 1st of July. In a morning newspaper I read that the Senator from Georgia had been quoted as saying—whether he was correctly quoted I do not know—that if the parity payments provided in the bill should be adopted finally as a part of the legislation the money would not be actually paid out until the fall of 1941.

Mr. BANKHEAD. That is correct.

Mr. BARKLEY. And that if the prices of farm commodities in the meantime advanced sufficiently there would be no requirement at all for the use of the parity funds.

Mr. BANKHEAD. But there is a requirement for the commitment and the appropriation so as to have the money available, because compliance with next year's program is dependent upon that.

Mr. BARKLEY. I understand that, of course, there would be no parity payments unless the money were appropriated for that purpose.

In facilitating the passage of the bill I want to cooperate to the fullest extent of my ability with the Senator from Georgia, who has done yeoman work in the preparation of this bill and who is always sincere and active and frank in his handling of agricultural bills.

We have been in session 2 months and 10 days, and, in all probability, we will still be in session at least that much longer before there is a final adjournment of the present session of the Congress.

Mr. BANKHEAD. That would be ample time within which to call up the Hatch bill, would it not?

Mr. BARKLEY. The same suggestion would apply to the agricultural bill. The agricultural bill, if it shall be passed in 2 or 3 days, will go to conferees, and the conferees will have more than 2 months, in all likelihood, in which to adjust the differences between the House and the Senate. In view of that fact, I myself do not see how any damage or injury could come to the cause of agriculture by finishing the bill that is under consideration which, with legitimate debate—and I have never accused anybody in connection with it of indulging in anything but legitimate debate—could likewise be disposed of in 2 or 3 days. I believe that it could have been disposed of by tomorrow night if we had devoted ourselves today to it and voted on it when we finished the debate tomorrow night. But even if it took a day or two longer than that, it will not take substantially any longer, in my judgment, to finish that bill than it will to dispose entirely of the agricultural bill, which will go to conference, and there would be, as I said, about 2 months for the conferees to work on it. I myself do not see the urgency, so far as it affects agriculture, in undertaking to say that we have got to pass the agricultural bill within the next 2 or 3 days or within this week. I have no fear of the result, so far as the agricultural bill is concerned, whether it is passed this week or not, because we have a good deal of time yet before we finish the work of the session. In view of that, speaking only in my own individual capacity as a Senator, under the circumstances, I do not feel justified at this time in voting to supplant the pending legislation by adopting the motion of the Senator from Georgia.

Mr. BANKHEAD. Mr. President, let me ask the Senator a question. Is he interested in the passage of the parity-payment provision? I have seen a statement indicating that he was not.

Mr. BARKLEY. I do not know to what the Senator refers. I have always been for parity payments.

Mr. BANKHEAD. I know the Senator has.

Mr. BARKLEY. Frankly, I have been disturbed as the Senator from Alabama and all other Senators know, over the possibility of having to pass a tax bill at this session or increasing the debt limit; and I am still disturbed. I do not want to have to vote to increase the debt limit, because I think whenever we have done it the country will immediately come to the conclusion that we are going to approach it again; that there may be one step after another increasing the debt limit. I do not want the Congress to have to do that if it is humanly possible to avoid it. There is no secrecy about my fears on that subject, and I have been hoping that we might work out economies in all the appropriations sufficient to justify parity payments without in any way endangering the ceiling of the debt limit or without making necessary the passage of a tax bill.

Mr. BANKHEAD. I am not going into that.

Mr. BARKLEY. I am not going into it, either.

Mr. BANKHEAD. I was merely anxious to find out whether the Senator was interested in bringing about the passage or reluctant to have passed provision for parity payments.

Mr. BARKLEY. What I have mentioned probably gave rise to the statement attributed to me that I was not in sympathy with parity payments.

Mr. BANKHEAD. I merely read it in the newspapers. The Senator, doubtless, saw the item. It said he was doubtful about it passing.

Mr. BARKLEY. If the Senator is referring to a statement of today, I said I thought finally it would pass here and that the House would agree to it.

Mr. BANKHEAD. I have not seen that statement.

Mr. BARKLEY. Frequently we are quoted as saying things we do not say.

Mr. BANKHEAD. I realize that.

Mr. BARKLEY. I am certainly interested and I have been interested from the very beginning of the agricultural adjustment program in parity payments to all farmers entitled to them, and I certainly hope to be able to support that program now.

Mr. RUSSELL. Mr. President—

Mr. BANKHEAD. I yield to the Senator in charge of the agricultural appropriation bill.

Mr. RUSSELL. Mr. President, I do not desire to delay a vote on the pending motion, but I do wish to comment very briefly before the vote shall be taken.

There is certainly nothing unusual in making a motion to proceed to the consideration of any general appropriation bill at any stage of the proceedings on pending legislation. Such a motion is expressly provided for in the rules of the Senate, and during my service in this body I have never before seen objection expressed to laying aside any piece of general legislation, however important it might be, in order that the Senate might proceed to the consideration of a general appropriation bill. That rule does not apply only to appropriations for the activities of the Department of Agriculture, but I have seen measures of great importance, national in their scope, laid aside for the consideration of deficiency appropriation bills, for the consideration of naval supply bills, and for the consideration of War Department supply bills. I hope that this new order of objection to the consideration of a general appropriation bill is not the result of any of the heat and personal feeling which may have been engendered by the discussion of the legislation proposed by the Senator from New Mexico.

Mr. President, for myself, to use an expression now going the rounds, "I ain't mad with nobody" about the Hatch bill. I have been supporting the proposal of the Senator from New Mexico, but I certainly do not think that bill is any reason for breaking a custom that has obtained in the Senate at least for the 7 years I have been a Member of this body, of giving the general appropriation bills the right-of-way. I have done all in my power to protect the rights of the Senator from New Mexico in securing consideration of his bill. I asked unanimous consent temporarily to lay aside the pending business, but objection was entered, a matter over which I had no control.

Mr. President, there is a substantial reason for giving priority to general appropriation bills. There are a number of items in the agricultural bill containing appropriations which are made immediately available. I refer specifically to the appropriation to supplement section 32 funds in connection with which the committee has suggested an appropriation of \$85,000,000 and the appropriation to provide for the surplus-removal program, for the so-called stamp plan in various cities of the country, a program which is now under way all over the United States. Those funds are to be made immediately available by the bill.

It is a very complicated measure. It contains a large number of items. Last year the bill was in conference for several weeks. It reached the desk of the President of the United States for his signature only on the last day of the fiscal year, the 30th day of June. I felt that the bill should be brought up and considered just as all other appropriation bills have been considered during my service in this body, without regard to the interest that might be evinced in any of the legislation that is pending when the appropriation bill is brought in by the committee for the Senate to take action upon. There certainly can be no reason in this case for violating the intent of the rules of the Senate and the custom that has obtained here for so long by not proceeding with the consideration of the agricultural appropriation bill.

We all hope we shall have an early adjournment; and, as one who in the normal course of events would be one of the conferees to deal with the other body on this matter, I do not wish to have Members of the Senate coming to me to find out why the conferees cannot agree, and have an adjournment of the present Congress held up when matters

of great importance which the Senate has approved will be at difference with the other body.

It certainly is not my purpose to strike down and defeat the bill of the Senator from New Mexico. I have voted for each of the bills the Senator has brought in, and have stood with him here on the consideration of various amendments which have been offered to this body; but it has been the custom of the Senate, at least for the past 7 years to my certain knowledge, to give right-of-way to general appropriation bills. I see no reason why the pending legislation, which would be temporarily displaced by this motion, is of such great and paramount importance that we should set a new rule in the Senate, and overthrow all the precedents which heretofore have obtained in this body.

In accord with what I deem to be my duty to the farmers of the country, who are vitally interested in the agricultural bill, as well as the Committee on Appropriations, I have moved to consider this bill. I hope the Senate will adopt the motion.

Mr. LEE. Mr. President, I shall vote to take up the agricultural bill. I wish, however, to state that I shall give my efforts to have the Hatch bill considered at a later date.

I want to see this second edition of the Hatch bill passed. I have hoped that it could be amended along the line of the Miller amendment and along the line of the Adams amendment, because I felt that in its present form it has a tendency to stifle democratic processes. I supported the Brown amendment because I thought, and I still feel, that if the bill is good for the little fellow, it is good for the big fellow.

It is possible that in the delay that will follow some amendments of this kind may be worked out that will be acceptable to a sufficient number of Senators to amend the Hatch bill accordingly; but, whether or not such amendments are worked out, I shall help to bring up the Hatch bill at a later date and shall support it in passage, on the theory that if we cover part of the Federal employees we should extend the legislation to the others who are covered by this amendment to the original Hatch Act.

Mr. WALSH. Mr. President, I shall be very brief.

There are two groups—principally on this side of the Chamber—viewing the Hatch bill from different point of view, directly opposite points of view, as I see the situation. One group feels that the time has come to strengthen the existing Hatch Act by extending its provisions to State employees who benefit from Federal funds. They apparently feel that the same standards, so far as participating in elections is concerned, which are now applied to Federal employees, should apply to State employees who are paid from funds which the taxpayers of the country, regardless of party, contribute. Some of those who have taken that position feel that we are dealing with a primary, fundamental democratic problem in government—free elections, untrammelled elections, the right of those who do not hold public office to be free from the direction and management and control of those who are in administrative public office so far as voting and conducting elections are concerned.

To some of us, that is more important than the distribution of public funds to carry on various activities of the Government, especially when we think the matter goes to the very root of free government. There is nothing more precious or valuable than the right to vote. There is nothing more valuable than the right to have a free vote, and the right to vote as one's conscience dictates, without influence or control. It has taken years, many and long political battles, to obtain a free ballot and protect the citizen from improper influences at the ballot box.

Long ago we drove to the wall all private employers who sought to control the votes of private citizens; and now we are hesitating about driving out of election booths paid government officials who seek to control the votes of the free men and women of this country.

There is another group here—a group who believe that the issue of States' rights is involved. Their pretended position is, "We are not going to permit this bill to pass until this bill is thoroughly discussed and argued." They place

great stress upon the fact that the solemn, serious question of States' rights is involved.

It seems to me, Mr. President, the orderly way to proceed would be for both these groups to go on and fight out these issues, have the various amendments presented, vote upon them, and an effort made to reach a decision which represents the views of the majority of this body. That, it seems to me, is the course we ought to pursue, and the exact issue that is now before us is whether or not we shall so proceed.

The other side of the picture is that there are apparently in this body some who say, "We are not going to permit a vote on the Hatch bill anyway. We are going to filibuster. We are not willing to go ahead and see if the amendments can be discussed in an orderly manner, and a sound solution obtained, and have vote after vote taken as to how we shall perfect the legislation. We intend, if not openly and directly but by indirection, to kill the bill."

Are we who represent the group here who believe that the time has come, after hearings and favorable report by the Committee on Privileges and Elections, and discussions in the Senate for days, to go forward in improving our election machinery to help assure a free ballot; or are we going to surrender under the threat that, "If you do not substitute another bill now, we will prolong this discussion; we will filibuster, and we will nullify and make useless the majority favorable to this bill"?

Those who want to surrender great fundamental principles under those circumstances may do so. I, for one, am unwilling to surrender under any such threat, and I believe many other Senators entertain the same determination. Let us be not affrighted.

The PRESIDING OFFICER. The question is on the motion of the Senator from Georgia [Mr. RUSSELL] that the Senate proceed to the consideration of the agricultural appropriation bill.

Mr. HATCH and other Senators called for the yeas and nays, and they were ordered.

The PRESIDING OFFICER. The clerk will call the roll. The legislative clerk called the roll.

Mr. MINTON. I announce that the Senator from Washington [Mr. BONE] and the Senator from Utah [Mr. KING] are absent from the Senate because of illness.

The Senator from Arizona [Mr. ASHURST], the Senator from California [Mr. DOWNEY], the Senators from Florida [Mr. ANDREWS and Mr. PEPPER], the Senators from Maryland [Mr. RADCLIFFE and Mr. TYDINGS], the Senator from Illinois [Mr. SLATTERY], and the Senator from New Jersey [Mr. SMATHERS] are detained on important public business.

The Senator from Utah [Mr. KING] is paired with the Senator from Maryland [Mr. TYDINGS]. I am advised that if present and voting, the Senator from Utah would vote "yea," and the Senator from Maryland would vote "nay."

Mr. THOMAS of Utah. I have a general pair with the Senator from New Hampshire [Mr. BRIDGES]. I am advised that, if present and voting, he would vote as I shall do. I vote "nay."

Mr. AUSTIN. I announce the following pairs:

The Senator from New Hampshire [Mr. TOBEY] with the Senator from New Jersey [Mr. SMATHERS]. If present, the Senator from New Hampshire would vote "nay," and the Senator from New Jersey would vote "yea."

The Senator from Wisconsin [Mr. WILEY] with the Senator from Illinois [Mr. SLATTERY]. If present, the Senator from Wisconsin would vote "nay," and the Senator from Illinois would vote "yea."

I also announce the unavoidable absence of the Senator from New Hampshire [Mr. BRIDGES] and the absence of the Senator from Wisconsin [Mr. WILEY] because of illness.

The result was announced—yeas 36, nays 47, as follows:

YEAS—36

Adams	Bulow	Clark, Idaho	Guffey
Bailey	Byrd	Conally	Harrison
Bankhead	Byrnes	Donahey	Hayden
Bilbo	Caraway	Ellender	Herring
Brown	Chavez	Glass	Hull

Hughes	McKellar	Pittman	Sheppard
Lee	Miller	Russell	Smith
Lucas	Minton	Schwartz	Stewart
Lundeen	Murray	Schwellenbach	Thomas, Okla.

NAYS—47

Austin	Gibson	McCarran	Taft
Barbour	Gillette	McNary	Thomas, Idaho
Barkley	Green	Maloney	Thomas, Utah
Burke	Gurney	Mead	Townsend
Capper	Hale	Neely	Truman
Chandler	Hatch	Norris	Vandenberg
Clark, Mo.	Holman	Nye	Van Nuys
Danaher	Holt	O'Mahoney	Wagner
Davis	Johnson, Calif.	Overton	Walsh
Frazier	Johnson, Colo.	Reed	Wheeler
George	La Follette	Reynolds	White
Gerry	Lodge	Shipstead	

NOT VOTING—13

Andrews	Downey	Radcliffe	Tobey
Ashurst	King	Slattery	Tydings
Bone	Pepper	Smathers	Wiley
Bridges			

So Mr. RUSSELL's motion was rejected.

APPROPRIATIONS FOR THE DEPARTMENTS OF STATE, COMMERCE, JUSTICE, AND FOR THE JUDICIARY

The PRESIDING OFFICER (Mr. ELLENDER in the chair) laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 8319) making appropriations for the Departments of State, Commerce, and Justice, and for the Judiciary, for the fiscal year ending June 30, 1941, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. McKELLAR. I move that the Senate insist upon its amendments, agree to the request of the House for a conference, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. McKELLAR, Mr. RUSSELL, Mr. McCARRAN, Mr. BANKHEAD, Mr. PITTMAN, Mr. LODGE, and Mr. BRIDGES conferees on the part of the Senate.

FIRST DEFICIENCY APPROPRIATIONS

Mr. ADAMS. Mr. President, I desire to inquire of the Senator from Kentucky and the Senator from New Mexico whether this would not be a propitious time to suggest taking up the deficiency bill.

Mr. BARKLEY. Mr. President, in view of the fact that it is nearly 4:30 o'clock, and I suppose no Senator would care to proceed to speak on the Hatch bill, it is agreeable to me, if it is to the Senator from New Mexico, that the deficiency bill be taken up.

Mr. HATCH. Mr. President, I have understood from the Senator from Colorado that this is really an emergency matter, that it covers salaries which will expire on the 15th of this month, and that it will take only a short time to dispose of the bill; so I have no objection.

Mr. BARKLEY. If the Senator from Colorado wishes to ask unanimous consent that the pending bill be temporarily laid aside in order that we may proceed with the consideration of the deficiency bill, I have no objection.

Mr. ADAMS. Mr. President, I ask unanimous consent that the pending bill be temporarily laid aside, and that the Senate proceed to the consideration of House bill 8641, the first deficiency appropriation bill.

Mr. McNARY. Mr. President, I wish to know a little more about the bill. What is the bill?

Mr. ADAMS. It is a deficiency appropriation bill, which has been on the table for some days.

Mr. McNARY. I have no objection.

Mr. HATCH. A parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. HATCH. I think it is the practice, under unanimous-consent agreements such as that proposed by the Senator from Colorado, for the pending business to be temporarily laid aside, and automatically to become the pending business at the conclusion of the consideration of the bill brought forward.

The PRESIDING OFFICER. The Senator is correct. Is there objection to the request of the Senator from Colorado?

There being no objection, the Senate proceeded to consider the bill (H. R. 8641) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1940, to provide supplemental appropriations for such fiscal year, and for other purposes, which had been reported from the Committee on Appropriations with amendments.

Mr. ADAMS. Mr. President, I ask unanimous consent that the formal reading of the bill be dispensed with, that the bill be considered for amendment, and that committee amendments be first considered.

The PRESIDING OFFICER. Is there objection? The Chair hears none. The clerk will proceed to state the amendments of the Committee on Appropriations.

The first amendment of the Committee on Appropriations was, under the heading "Title I—General Appropriations—Legislative," on page 3, after line 14, to insert:

EXECUTIVE OFFICE OF THE PRESIDENT

Portrait of former President Herbert Hoover: For the procurement of an oil painting of former President Herbert Hoover in accordance with Public Resolution No. 42 of the Seventy-sixth Congress, approved August 5, 1939, fiscal year 1940, \$2,500, to remain available until expended.

The amendment was agreed to.

The next amendment was, under the heading "Independent Establishments," on page 7, after line 5, to insert:

TEMPORARY NATIONAL ECONOMIC COMMITTEE

For an additional amount for carrying out the purposes of the joint resolution creating the Temporary National Economic Committee, approved June 16, 1938, to be available only for allocation to the departments and agencies represented on the committee for the necessary expenses thereof, including the objects specified under this head in the Second Deficiency Appropriation Act, fiscal year 1938, \$90,000, fiscal year 1940, to remain available until the expiration of the Seventy-sixth Congress.

The amendment was agreed to.

The next amendment was, under the heading "Department of Agriculture—Bureau of Entomology and Plant Quarantine," on page 9, line 24, after the numerals "1940", to strike out "\$2,000,000" and insert "\$3,000,000"; so as to read:

Control of incipient and emergency outbreaks of insect pests and plant diseases: To enable the Secretary of Agriculture to carry out the provisions of and for expenditures authorized by the joint resolution approved May 9, 1938 (52 Stat. 344), fiscal year 1940, \$3,000,000, to remain available until June 30, 1941.

The amendment was agreed to.

The next amendment was, under the heading "Department of the Interior—Bureau of Reclamation," on page 11, after line 9, to insert:

Colorado-Big Thompson project, Colorado: For continuation of construction, \$1,000,000, from the reclamation fund, special fund, fiscal year 1940, to remain available until expended.

The amendment was agreed to.

The next amendment was, under the heading "Department of Justice—United States courts", on page 15, line 2, after the numerals "1937", to strike out "\$40,000" and insert "\$70,000", so as to read:

Conciliation commissioners, United States courts: For an additional amount for fees and expenses of conciliation commissioners, United States courts, fiscal year 1940, including the same objects specified under this head in the Department of Justice Appropriation Act, 1937, \$70,000.

The amendment was agreed to.

The next amendment was, under the heading "Navy Department—Office of Secretary of the Navy", on page 16, line 9, after the word "in", to insert "Senate Document Numbered 154, and", and in line 11, after the name "Congress", to strike out "\$2,789.78" and insert "\$3,040.78", so as to read:

Claims for damages by collision with naval vessels: To pay claims for damages adjusted and determined by the Secretary of the Navy under the provisions of the act entitled "An act to amend the act authorizing the Secretary of the Navy to settle claims for damages to private property arising from collisions with naval vessels", approved December 23, 1922, as fully set forth in Senate Document No. 154, and House Document No. 625, Seventy-sixth Congress, \$3,040.78.

The amendment was agreed to.

The next amendment was, under the heading "Department of State—Office of Secretary of State", on page 16,

line 22, after the numerals "1940", to strike out "\$23,000" and insert "\$47,000", so as to read:

Salaries: For an additional amount for salaries, office of the Secretary of State, fiscal year 1940, subject to the limitations specified under this head in the Department of State Appropriation Act, 1940, \$47,000.

The amendment was agreed to.

The next amendment was, under the heading "Treasury Department—Bureau of the Mint," on page 21, line 9, after the numerals "1940", to strike out "\$256,000" and insert "\$356,000", so as to read:

Salaries and expenses, mints and assay offices: For an additional amount for salaries and expenses, mints and assay offices, fiscal year 1940, including the same objects and subject to the same limitations specified under this head in the Treasury Department Appropriation Act, 1940, \$356,000, of which not to exceed \$675 may be transferred to the appropriation "Contingent expenses, Office of Director of the Mint, 1940."

The amendment was agreed to.

The next amendment was, under the heading "War Department—Civil Functions—Corps of Engineers", on page 22, line 11, after the word "in", to insert "Senate Document Numbered 153, and", and in line 13, after the name "Congress", to strike out "\$649.78" and insert "\$2,119.89", so as to read:

Claims for damages, rivers and harbors: To pay claims for damages under river and harbor work adjusted and determined by the War Department under the provision of section 9 of the River and Harbor Act, approved June 5, 1920 (33 U. S. C. 564), as set forth in Senate Document No. 153, and House Document No. 620, Seventy-sixth Congress, \$2,119.89.

The amendment was agreed to.

The next amendment was, under the heading "Title II—Judgments and authorized claims—Property damage claims", on page 23, line 4, after "Sec. 201.", to insert "(a)", so as to read "Sec. 201. (a)", and so forth.

The amendment was agreed to.

The next amendment was, on page 24, after line 4, to insert:

(b) For the payment of claims for damages to or losses of privately owned property adjusted and determined by the following respective departments and independent offices, under the provisions of the act entitled "An act to provide a method for the settlement of claims arising against the Government of the United States in the sums not exceeding \$1,000 in any one case," approved December 28, 1922 (31 U. S. C. 215), as fully set forth in Senate Document No. 152 of the Seventy-sixth Congress, as follows:

Civil Aeronautics Authority, \$1,327.08;
Federal Works Agency—Work Projects Administration, \$2,516.33;
Department of Agriculture, \$374.99;
Department of the Interior, \$111.15;
Navy Department, \$1,031.03;
War Department, \$1,344.70;
In all, \$6,705.28.

The amendment was agreed to.

The next amendment was, under the subhead "Judgments, United States courts", on page 25, line 5, after the word "in", to insert "Senate Document Numbered 158, and"; in line 11, after the name "Navy Department", to strike out "\$2,166.96" and insert "\$2,390.39"; after line 11, to insert "Post Office Department, \$1,808.09"; and in line 14, after the words "In all", to strike out "\$12,724.80" and insert "\$14,756.32", so as to read:

Sec. 202. (a) For the payment of the final judgments, including costs of suits, which have been rendered under the provisions of the act of March 3, 1887, entitled "An act to provide for the bringing of suits against the Government of the United States," as amended by the Judicial Code, approved March 3, 1911 (28 U. S. C. 761), certified to the Seventy-sixth Congress in Senate Document No. 158 and House Document No. 613 under the following establishment and departments:

Federal Works Agency, \$4,933.37;
Department of Commerce, \$28.34;
Department of Labor, \$2,073;
Navy Department, \$2,390.39;
Post Office Department, \$1,808.09;
War Department, \$3,523.13;

In all, \$14,756.32, together with such additional sum as may be necessary to pay costs and interest as specified in such judgments or as provided by law.

The amendment was agreed to.

The next amendment was, on page 26, line 1, after the word "in", to insert "Senate Document Numbered 156, and"; in line 2, after the word "the", to strike out "War Department,

\$5,370.65; together with such additional sum as may be necessary to pay interest as and where specified in such judgments or as provided by law" and insert the words "following departments"; after line 5, to insert "Treasury Department, \$8,093.68"; after line 6, to insert "War Department, \$5,370.65"; and after line 7, to insert:

In all, \$13,464.33, together with such additional sum as may be necessary to pay interest as and where specified in such judgments or as provided by law.

So as to read:

(b) For the payment of judgments, including cost of suits, rendered against the Government of the United States by United States district courts under the provisions of an act entitled "An act authorizing suits against the United States in admiralty for damages caused by and salvage services rendered to public vessels belonging to the United States, and for other purposes", approved March 3, 1925 (46 U. S. C. 781-789), certified to the Seventy-sixth Congress in Senate Document No. 156 and House Document No. 617 under the following departments:

Treasury Department, \$8,093.68;

War Department, \$5,370.65;

In all, \$13,464.33, together with such additional sum as may be necessary to pay interest as and where specified in such judgments or as provided by law.

The amendment was agreed to.

The next amendment was, under the subhead "Judgments, Court of Claims", on page 27, line 6, after the word "in", to insert "Senate Document Numbered 155, and"; in line 7, after the word "following", to insert "establishment and"; after line 8, to insert "Veterans' Administration, \$71,069.65"; after line 9, to insert "Department of Agriculture, \$6,773.56"; in line 12, after the words "Navy Department", to strike out "\$4,613.02" and insert "\$7,804.22"; after line 12, to insert "Post Office, \$222,825.96"; in line 15, after the name "War Department", to strike out "\$89,799.98" and insert "\$124,951.33"; and in line 16, after the words "In all", to strike out "\$111,413" and insert "\$450,424.72", so as to read:

Sec. 203. (a) For payment of the judgments rendered by the Court of Claims and reported to the Seventy-sixth Congress in Senate Document No. 155 and House Document No. 614 under the following establishment and departments, namely:

Veterans' Administration, \$71,069.65;
Department of Agriculture, \$6,773.56;
Department of Labor, \$15,000;
Navy Department, \$7,804.22;
Post Office Department, \$222,825.96;
Treasury Department, \$2,000;
War Department, \$124,951.33;

In all, \$450,424.72, together with such additional sum as may be necessary to pay interest as and where specified in such judgments.

The amendment was agreed to.

The next amendment was, on page 27, after line 18, to insert:

(b) For the payment of judgment No. 44629 rendered by the Court of Claims in favor of William W. Brunswick, covering retirement pay withheld from the plaintiff by the Comptroller General, \$4,233.65, to be paid from the Foreign Service retirement and disability fund.

The amendment was agreed to.

The next amendment was, on page 27, line 24, before the word "None", to strike out "(b)" and insert "(c)", so as to read:

(c) None of the judgments contained under this caption shall be paid until the right of appeal shall have expired, except such as have become final and conclusive against the United States by failure of the parties to appeal or otherwise.

The amendment was agreed to.

The next amendment was, under the subhead "Audited claims", on page 28, line 6, after "Sec. 204.", to insert "(a)", so as to read "Sec. 204. (a)", and so forth.

The amendment was agreed to.

The next amendment was, on page 48, after line 15, to insert:

(b) For the payment of the following claims, certified to be due by the General Accounting Office, under appropriations the balances of which have been carried to the surplus fund under the provisions of section 5 of the act of June 20, 1874 (31 U. S. C. 713), and under appropriations heretofore treated as permanent, being for the service of the fiscal year 1937 and prior years, unless otherwise stated, and which have been certified to Congress under section 2

of the act of July 7, 1884 (5 U. S. C. 266), as fully set forth in Senate Document No. 157, Seventy-sixth Congress, there is appropriated as follows:

Independent offices: For Thomas Jefferson Memorial Commission, \$64.65.

For operations under Mineral Act of October 5, 1918, \$4,161.24.

For medical and hospital services, Veterans' Bureau, \$29.40.

For vocational rehabilitation, Veterans' Bureau, 40 cents.

For salaries and expenses, Veterans' Administration, \$1,890.73.

Federal Security Agency: For pay of personnel and maintenance of hospitals, Public Health Service, \$33.41.

For medical and hospital services, penal institutions (Justice, transfer to Treasury, Public Health Service, act March 22, 1935), 70 cents.

Federal Works Agency: For National Industrial Recovery, Federal Emergency Administration of Public Works, \$16.25.

For repairs, preservation, and equipment, public buildings, Procurement Division, 50 cents.

Department of Agriculture: For salaries and expenses, Forest Service, \$173.74.

For salaries and expenses, Bureau of Animal Industry, \$37.22.

For exportation and domestic consumption of agricultural commodities, Department of Agriculture, \$1,196.79.

For National Industrial Recovery, Resettlement Administration, submarginal lands (transfer to Agriculture), \$1,568.80.

For National Industrial Recovery, Interior, soil-erosion prevention (transfer to Agriculture), \$15.25.

For emergency conservation fund (transfer from War to Agriculture, act June 19, 1934), \$1,681.46.

For National Industrial Recovery, Agricultural Adjustment Administration, \$46.72.

Department of Commerce: For salaries and expenses, Bureau of Marine Inspection and Navigation, \$49.25.

For testing, inspection, and information service, National Bureau of Standards, \$495.

Department of the Interior: For National Industrial Recovery, Interior, oil regulation, \$23.06.

For operations under Mineral Act of October 5, 1918, \$58.88.

For Indian school support, \$10.26.

For conservation of health among Indians, \$19.50.

For emergency conservation work (transfer to Interior, Indians, act February 9, 1937), \$177.38.

Department of Justice: For fees of jurors and witnesses, United States courts, \$7.80.

For salaries, fees, and expenses of marshals, United States courts, \$457.76.

For salaries and expenses, Division of Investigation, \$168.76.

Department of Labor: For payment to officers and employees of the United States in foreign countries due to appreciation of foreign currencies (Labor), \$15.43.

Navy Department: For transportation, Bureau of Navigation, \$140.40.

For pay, subsistence, and transportation, Navy, \$11.83.

For maintenance, Bureau of Supplies and Accounts, \$125.93.

For aviation, Navy, \$47.25.

For pay, Marine Corps, \$104.61.

For payment to officers and employees of the United States in foreign countries due to appreciation of foreign currencies (Navy), \$187.01.

For increase of the Navy, emergency construction, \$32,613.23.

For care of the dead, Bureau of Medicine and Surgery, \$25.

For organizing the Naval Reserve, \$3.60.

Department of State: For transportation of Foreign Service officers, \$600.11.

For salaries, Foreign Service officers, \$953.16.

For office and living quarters, Foreign Service, \$45.83.

Treasury Department: For salaries, lighthouse vessels, \$7.59.

For general expenses, Lighthouse Service, \$3.85.

For collecting the internal revenue, \$128.42.

For salaries and expenses, Bureau of Narcotics, 86 cents.

For collecting the revenue from customs, 50 cents.

War Department: For general appropriations, Quartermaster Corps, \$8,345.46.

For pay, etc., of the Army, \$1,873.04.

For Air Corps, Army, \$152.57.

For increase of compensation, Military Establishment, \$147.22.

For pay of the Army, \$8,478.97.

For travel of the Army, \$256.67.

For Engineer Service, \$1.70.

For National Guard, \$230.40.

For Organized Reserves, \$6.43.

For library, Surgeon General's Office, \$1.06.

For supplies, services, and transportation, Quartermaster Corps, \$2.94.

For Reserve Officers' Training Corps, \$43.79.

For clothing and equipage, Army, \$13.63.

For Army transportation, \$33.75.

For ordnance service and supplies, Army, \$289.61.

For Chemical Warfare Service, Army, \$4.99.

For subsistence of the Army, \$33.64.

For cemetery expenses, War Department, \$1.53.

For emergency conservation fund (transfer to War, act March 31, 1933), \$2.57.

For emergency conservation fund (transfer to War, act June 19, 1934), \$208.21.

For loans and relief in stricken agricultural areas (transfer from emergency conservation work to War, act June 19, 1934), \$94.13.

For emergency conservation work (transfer to War, act June 22, 1936), \$261.53.

For emergency conservation work (transfer to War, act February 9, 1937), \$111.82.

Emergency Relief: For emergency relief, Agriculture, Biological Survey, flood control and other conservation, \$9.50.

For emergency relief, Agriculture, Forest Service, forestation, and so forth, \$615.

For emergency relief, Agriculture, Soil Conservation Service, \$23.57.

For emergency relief, Agriculture, administrative expenses, \$16.10.

For emergency relief, Resettlement Administration, rural rehabilitation (transfer to Agriculture), \$538.74.

For emergency relief, Resettlement Administration, sanitation, prevention of soil erosion, and so forth (transfer to Agriculture), \$3,059.69.

For emergency relief, emergency conservation work, Interior, Indians, miscellaneous projects, Indian reservations, \$3.40.

For emergency relief, Resettlement Administration, flood control and other conservation (transfer to Agriculture), \$343.72.

For emergency relief, Resettlement Administration, rural rehabilitation, loans and relief to farmers, and so forth (transfer to Agriculture), \$15.60.

For emergency relief, Interior, National Park Service, sanitation, prevention of soil erosion, and so forth, \$350.

For emergency relief, Treasury, Public Health Service, assistance for educational, professional, and clerical persons (certified claims), \$3.81.

For emergency relief, Treasury, administrative expenses, \$1.07.

For emergency relief, emergency conservation work, War, Civilian Conservation Corps, \$284.83.

For emergency relief, War, Corps of Engineers, flood control, and other conservation (non-Federal projects), \$103.25.

For emergency relief, Works Progress Administration, National Youth Administration (non-Federal projects), \$51.50.

For emergency relief, Works Progress Administration, grants to States, and so forth, \$943.94.

For emergency relief, Works Progress Administration (non-Federal projects, approved prior to June 22, 1936), \$427.57.

For emergency relief, Works Progress Administration, highways, roads, and streets, \$44.52.

For emergency relief, Works Progress Administration, public buildings, \$25.75.

For emergency relief, Works Progress Administration, public utilities, and so forth, \$18.40.

For emergency relief, Resettlement Administration, administrative expenses (transfer to Agriculture), \$36.

For emergency relief, Works Progress Administration, forestation, prevention of soil erosion, and so forth, \$2.25.

For emergency relief, Works Progress Administration, administrative expenses, 41 cents.

Post Office Department—Postal Service (out of the postal revenues): For foreign mail transportation, \$20,456.83.

For transportation of equipment and supplies, \$30.06.

For operating supplies for public buildings, Post Office Department, \$162.81.

For rent, light, and fuel, \$115.

Total, audited claims, section 204 (b), \$95,773.50, together with such additional sum due to increases in rates of exchange as may be necessary to pay claims in the foreign currency and interest as specified in certain of the settlements of the General Accounting Office.

The amendment was agreed to.

The next amendment was, on page 56, line 14, after the word "in", to insert "Senate Document Numbered 159, and", and in line 16, after the name "Congress", to strike out "\$201.60" and insert "\$247.20", so as to read:

SEC. 205. For the payment of claims allowed by the General Accounting Office pursuant to the acts of January 12, 1899, and May 26, 1900, which have been certified to Congress under the Permanent Appropriations Repeal Act, approved June 26, 1934 (31 U. S. C. 725b), in Senate Document No. 159, and House Document No. 624, Seventy-sixth Congress, \$247.20.

The amendment was agreed to.

Mr. THOMAS of Oklahoma. Mr. President, I desire to offer an amendment. The President sent to the Congress a Budget estimate, which is document No. 600 of the Seventy-sixth Congress, third session. The amendment is carried in the Budget estimate. It has to do with the payment of the expenses of our delegates to a so-called Indian conference to be held in Mexico next month, April 1940.

In connection with the amendment, the President sent a statement to the Congress, and in order that the amendment and statement may appear in the Record, I ask that the amendment proposed by me and the complete statement of the President accompanying the amendment be printed at this point in connection with my remarks.

THE PRESIDING OFFICER. Is there objection?

There being no objection, the amendment and statement were ordered to be printed in the *RECORD*, as follows:

First Inter-American Conference of Experts on Indian Life in the Americas, Patzcuaro, Mexico, 1940..... \$8,000

"For the expenses of participation by the United States in the First Inter-American Conference of Experts on Indian Life in the Americas, to be held at Patzcuaro, Mexico, in 1940, including personal services in the District of Columbia or elsewhere, without regard to the Classification Act of 1923, as amended; stenographic reporting, translating, and other services by contract if deemed necessary, without regard to section 3709 of the Revised Statutes (41 U. S. C. 5); rent; travel expenses; local transportation; transportation of things; purchase of necessary books, documents, newspapers, and periodicals; stationery; equipment; official cards; printing and binding; official entertainment; cost of assembling, installing, packing, transporting, safekeeping, demonstrating, and renovating a suitable exhibit, and the purchase of supplies incident thereto, without regard to section 3709 of the Revised Statutes (41 U. S. C. 5); and such other expenses as may be authorized by the Secretary of State, including the reimbursement of other appropriations from which payments may have been made for any of the purposes herein specified, to be expended under the direction of the Secretary of State, fiscal year 1940, to remain available until June 30, 1941, \$8,000 (convention February 20, 1928; 53 Stat. 1290)."

Section 6 of article 6 of the Pan American Union Convention provides, in general, that the Governing Board of the Union may promote and arrange international conferences of experts to study problems of a technical character of common interest to the Americas, and, to this end, may request the governments concerned to appoint experts to represent them at these conferences. The governments represented at the Eighth International Conference of American States, held at Lima, Peru, in December 1938, adopted a resolution approving the holding of a conference of experts on Indian life in the Americas at La Paz, Bolivia, in August 1939. Due to unsettled conditions in Bolivia, the place for holding this conference was changed to Patzcuaro, Mexico, and the date of the conference fixed at April 14-24, 1940. The Mexican Ambassador at Washington has extended an invitation to this Government to be represented at the conference.

The purpose of the conference is to study the desirability of creating an Inter-American Indian Institute; to explore generally problems which are common to all American Indians, including that of land tenure and land use; and to promote mutually the growing friendship and good will of the American States.

This estimate is for the expenses of the American delegation attending the conference.

HAROLD D. SMITH,
Director of the Bureau of the Budget.

Mr. THOMAS of Oklahoma. Mr. President, I desire to offer an amendment to the amendment sent to the Senate by the President. On page 3 of the Budget estimate we find the conditions under which these delegates shall be paid.

The proposed conference originated in other conferences. During the past several years a number of conferences have been held in South America, and at those conferences the desirability of another conference was suggested, and the conference now proposed is the culmination of those suggestions.

A number of delegates are to be appointed to this conference by nations having large Indian populations. Canada has a large Indian population, and so Canada is preparing to participate in the conference. The United States has 300,000 Indian citizens, so the United States desires to participate in the conference.

This conference is limited to the Western Hemisphere, and on the Western Hemisphere there are in the neighborhood of 30,000,000 Indian citizens of the several countries located in North America, Central America, and South America. Therefore, at the end of the amendment submitted by the President I desire to add the following language as a modification of my amendment:

Provided, That in the selection of official delegates to such conference due representation shall be accorded actual Indian citizens of the United States.

In the committee it was pointed out that the conference did not of necessity have to be made up of Indian citizens, which would make it possible for the delegates from the United States to be persons of non-Indian blood. I therefore desire to have it provided that in appointing delegates to the conference from this country due regard shall be given to our Indian population, to the end that they may participate.

I am advised by those in authority in the Department of the Interior that it is contemplated that if the conference is held, a number of Indians of the several tribes of the United States shall be appointed delegates, and they will go to the confer-

ence, which is to be held close to Mexico City, with credentials from the Government of the United States.

These conferences are called and held under general law. The coming conference has developed to the present point under general law. The House refused the appropriation. In the Senate Committee on Appropriations it was likewise refused. It seems to be the opinion that no such conferences as the one now proposed should be hereafter held unless the money shall have been appropriated in advance and the conference shall have been authorized in advance.

Mr. President, so far as we have general law permitting the calling of conferences without money being specifically appropriated for that purpose, I see no way of avoiding the payment of the expenses now sought to be met unless we repeal the existing law and provide, by precedent, at least, that no future conference shall be held unless it shall have been authorized in advance and the money appropriated in advance.

Inasmuch as the general law provides for this particular conference, and inasmuch as a number of South American conferences have agreed, and, we might say, have called this conference, and because of the fact that Mr. Collier, the present Commissioner of Indian Affairs, has been designated to perform a very important function at the conference, it is up to Mr. Collier to see that the Indians of North America, at least, are represented there. Mr. Collier tells me that our Government is preparing to participate in the conference, and that the South American and Central American republics are preparing to participate.

If that be true, I think it would be very unfortunate if an Indian conference should be held in Mexico, practically at our border, and the United States, the sponsor of the conference, should be denied representation. The item calls for a sum of only \$8,000. So I offer the amendment based upon the Budget estimate, with an amendment to the amendment, so as to provide that in calling the conference due representation shall be given our Indian citizens in attendance on behalf of the United States.

I ask that the amendment as modified be read.

The PRESIDING OFFICER. The amendment as modified will be read as suggested by the Senator from Oklahoma.

The CHIEF CLERK. At the proper place in the bill it is proposed to insert:

For the expenses of participation by the United States in the First Inter-American Conference of Experts on Indian Life in the Americas, to be held at Patzcuaro, Mexico, in 1940, including personal services in the District of Columbia or elsewhere, without regard to the Classification Act of 1923, as amended; stenographic reporting, translating, and other services by contract if deemed necessary, without regard to section 3709 of the Revised Statutes (41 U. S. C. 5); rent; travel expenses; local transportation; transportation of things; purchase of necessary books, documents, newspapers, and periodicals; stationery; equipment; official cards; printing and binding; official entertainment; cost of assembling, installing, packing, transporting, safekeeping, demonstrating, and renovating a suitable exhibit, and the purchase of supplies incident thereto, without regard to section 3709 of the Revised Statutes (41 U. S. C. 5); and such other expenses as may be authorized by the Secretary of State, including the reimbursement of other appropriations from which payments may have been made for any of the purposes herein specified, to be expended under the direction of the Secretary of State, fiscal year 1940, to remain available until June 30, 1941, \$8,000 (convention February 20, 1928; 53 Stat. 1290): *Provided*, That in the selection of official delegates to such conference due representation shall be accorded actual Indian citizens of the United States.

Mr. CHAVEZ. Mr. President, I hope the Members of the Senate will listen to me very briefly. I shall vote for the first part of the amendment submitted by the Senator from Oklahoma. I believe it is in order for the Indians of North America to get together and discuss their problems. But there is one particular point I want to call to the attention of the Senate. It is perfectly proper to have a committee of persons from the United States go to Mexico City and meet with the delegates or the representatives of the Indians from south of the border. However, I have a different idea as to who should be the representatives to go from the United States. I do not believe that the second part of the amendment submitted by the Senator from Oklahoma covers

what I have in mind. If Indians are going to meet in Mexico City, or elsewhere, it appears to me that there should be a delegation of Indians from the United States. We have Indians within the United States who are as able to present their desires and their wishes as are white persons living within the United States. I do not believe it would be proper to leave to Washington the discretion as to the selection of the Indians or Indian representatives. If representatives from the United States are to go to the city of Mexico or elsewhere they should be Indians and not representatives of the Indian Office. I make that statement very seriously. I want the Indians to be taken care of, but I want the Indians to decide for themselves as to who should represent them in a particular meeting.

Mr. CLARK of Missouri. Mr. President, will the Senator yield?

Mr. CHAVEZ. I yield.

Mr. CLARK of Missouri. Speaking of international meetings, the Senate, after rather extended debate and a record vote the other day, voted not to make an appropriation for the American delegates to the Interparliamentary Union, a delegation which would have been composed of Members of the House and Senate. Does the Senator know any reason why a gang of job holders from the Interior Department should be appropriated for and sent down to Mexico?

Mr. CHAVEZ. That is the point I wanted to make.

Mr. CLARK of Missouri. They ought to take at least one Indian along with them as an exhibit.

Mr. CHAVEZ. Yes. I want an Indian to represent the United States in the meeting to be held in Mexico, and not a representative of the Department of the Interior. That is why I do not want to have the discretion left to anyone.

I wish to mention the name of one Indian from the State of Oklahoma. He is a real Indian, and not a bureau Indian. His name is Will Durant, of the State of Oklahoma, former member of the State legislature.

I mention the name of another Indian, Mr. Wade Crawford, of the State of Oregon, the State which sends our worthy minority leader to the Senate.

I mention the name of another Indian, Mrs. R. L. Jamison, a Seneca and Cherokee Indian from the State of New York, an Indian, not a bureau representative.

If we are to discuss Indian affairs why not let the Indians decide once in a while what is good for them.

I shall nominate a Navajo Indian, a real honest-to-goodness Navajo from my State, J. C. Morgan, of the city of Farmington.

So I submit an amendment, Mr. President, providing that the selection of the Indian delegates shall not be left to the Indian Office, or to the Department of the Interior, but to the Indians themselves.

At the proper time, to be inserted at the proper place in the bill, I wish to submit the names of Will Durant, of the State of Oklahoma; J. C. Morgan, a Navajo of Farmington, N. Mex.; Wade Crawford, of Klamath, Oreg.; and Mrs. R. L. Jamison, a Seneca and Cherokee Indian from New York.

Mr. THOMAS of Oklahoma. Mr. President, I happen to know each of the persons mentioned by the Senator from New Mexico, and, to my personal knowledge, they would be a credit to any conference, and I shall be glad, so far as I can, to accept the amendment. Then I shall ask the Senator from Colorado [Mr. ADAMS], in charge of the bill, this question: The Senator from New Mexico has suggested the names of four Indians he would like to see named as delegates; would it be agreeable to accept his amendment to my amendment and let the whole item then go to conference to be worked out in conference?

Mr. ADAMS. May I ask a legal question of the Senator, whether or not in legislation we can name Indians? That is a matter of appointment.

Mr. THOMAS of Oklahoma. That can be worked out in conference.

Mr. WHEELER. There are many Indians in Montana, and I should like to name some to this delegation.

Mr. CHAVEZ. Mr. President, will the Senator yield?

Mr. WHEELER. I yield.

Mr. CHAVEZ. I have no objection to a real Indian from Montana being appointed on the delegation. Inasmuch as I wanted real Indians to go as representatives, I submitted the names of some of those I knew.

Mr. WHEELER. Mr. President, I want real Indians to go as delegates. I do not want bureaucrats to go down there. I agree with the Senator in that respect. I think it is a rather dangerous policy to name Indians in the legislation, however, because every Indian in my State, if he is not named in this bill, will feel slighted. It seems to me what we should do is to let the Indians in each particular State select their own representative as delegate.

Mr. CHAVEZ. Does the Senator think that will be done if it is left to the discretion of the Bureau?

Mr. WHEELER. Not if it is left to the discretion of the Bureau to pick them out. Let the Indians themselves select the delegates. Do not let the Bureau pick them out, but let the Indians themselves do so. However, they cannot be named in the bill.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Oklahoma [Mr. THOMAS], as modified.

Mr. CHAVEZ. A parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. CHAVEZ. Does agreeing to the amendment of the Senator from Oklahoma mean agreeing to the suggestion made by the Senator from New Mexico?

The PRESIDING OFFICER. It does.

Mr. WHEELER. May we have the amendment again read?

The PRESIDING OFFICER. The amendment will be read.

The LEGISLATIVE CLERK. At the proper place in the bill it is proposed to insert the following:

For the expenses of participation by the United States in the First Inter-American Conference of Experts on Indian Life in the Americas, to be held at Patzcuaro, Mexico, in 1940, including personal services in the District of Columbia or elsewhere, without regard to the Classification Act of 1923, as amended; stenographic reporting, translating, and other services by contract if deemed necessary, without regard to section 3709 of the Revised Statutes (41 U. S. C. 5); rent; travel expenses; local transportation; transportation of things; purchase of necessary books, documents, newspapers, and periodicals; stationery; equipment; official cards; printing and binding; official entertainment; cost of assembling, installing, packing, transporting, safekeeping, demonstrating, and renovating a suitable exhibit, and the purchase of supplies incident thereto, without regard to section 3709 of the Revised Statutes (41 U. S. C. 5); and such other expenses as may be authorized by the Secretary of State, including the reimbursement of other appropriations from which payments may have been made for any of the purposes herein specified, to be expended under the direction of the Secretary of State, fiscal year 1940, to remain available until June 30, 1941, \$8,000 (convention February 20, 1928; 53 Stat. 1290): *Provided*, That in the selection of official delegates to such conference due representation shall be accorded actual Indian citizens of the United States; and that the following persons be included in the list of delegates: Will Durant, of Oklahoma; J. C. Morgan, of New Mexico; Wade Crawford, of Oregon; Mrs. R. L. Jamison, of New York; and Eugene Little Coyott, of Montana.

Mr. CLARK of Missouri. Mr. President, I should like to inquire of the Senator who offered the amendment whether or not the amendment is pure legislation on an appropriation bill. As I understood the reading of it from the desk, it provides for disregarding certain provisions of existing law, and is therefore clearly legislation.

The PRESIDING OFFICER. Does the Senator from Missouri make the point of order?

Mr. CLARK of Missouri. I am merely making an inquiry of the Senator from Oklahoma.

Mr. THOMAS of Oklahoma. Mr. President, in answer to the inquiry, I ask that the clerk may read the lines in the Budget estimate immediately following the amendment.

Mr. CLARK of Missouri. The Budget estimate does not authorize changes in existing law.

The PRESIDING OFFICER. Without objection, the matter referred to will be read.

The legislative clerk read as follows:

Section 6 of article 6 of the Pan American Union Convention provides, in general, that the Governing Board of the Union may promote and arrange international conferences of experts to study problems of a technical character of common interest to the Americas, and, to this end, may request the governments concerned to appoint experts to represent them at these conferences. The governments represented at the Eighth International Conference of American States, held at Lima, Peru, in December 1938, adopted a resolution approving the holding of a conference of experts on Indian life in the Americas at La Paz, Bolivia, in August 1939. Due to unsettled conditions in Bolivia, the place for holding this conference was changed to Patzcuaro, Mexico, and the date of the conference fixed at April 14-24, 1940. The Mexican Ambassador at Washington has extended an invitation to this Government to be represented at the conference.

The purpose of the conference is to study the desirability of creating an Inter-American Indian Institute; to explore generally problems which are common to all American Indians, including that of land tenure and land use; and to promote mutually the growing friendship and good will of the American States.

This estimate is for the expenses of the American delegation attending the conference.

Mr. CLARK of Missouri. Mr. President, I ask the Senator from Oklahoma what provision of the existing law it is proposed to disregard.

Mr. THOMAS of Oklahoma. Mr. President, the President sent the estimate to Congress and he gave the authority on which he based the estimate. If that is not good in law, the item is out of order.

Mr. CLARK of Missouri. There is a provision for disregarding some section of the statutes. All I am trying to find out is what section of the statutes is to be disregarded.

Mr. HAYDEN. Mr. President, there is a provision of law, for example, requiring advertising for bids in connection with stenographic expenses. There are other emergent matters of that kind. The amount of money is very small.

Mr. CLARK of Missouri. How much is involved?

Mr. HAYDEN. \$8,000.

Mr. CLARK of Missouri. What was the amount in connection with the Interparliamentary Union?

Mr. BYRNES. Mr. President—

The PRESIDING OFFICER. The Senator from Missouri [Mr. CLARK] has the floor.

Mr. BYRNES. Mr. President, will the Senator yield?

Mr. CLARK of Missouri. I yield.

Mr. BYRNES. I wish to call attention to the fact that the estimate submitted by the Bureau of the Budget shows that section 3709, if not repealed, is certainly disregarded in at least two different places. I do not know exactly what it is proposed to disregard. The language of the amendment covers the purchase of supplies without regard to the existing law, the payment of expenses without regard to the existing law, and the appointment of personnel without regard to the Classification Act. There are really three changes in existing law. So, as offered, the amendment is legislation.

Mr. HAYDEN. If the amendment is to prevail at all, it is necessary to waive those requirements. It is impossible to hold a civil-service examination between now and the 14th of next April, when the meeting is to take place.

Mr. BYRNES. The Senator will agree that the amendment is legislation, will he not?

Mr. HAYDEN. If the amendment violates any law, it also violates common sense not to include a provision of this kind. Who would want to limit the delegation to Mexico City to civil-service employees? That is exactly what the Senator from New Mexico [Mr. CHAVEZ] is trying to avoid.

Mr. CLARK of Missouri. Mr. President, the amendment provides for including travel expenses, local transportation, transportation of things, the purchase of necessary books, documents, newspapers, and periodicals, and so forth. I do not know what section 3709 of the Revised Statutes is. I do not carry it in my head and do not pretend to do so. However, it seems to me that after the Senate has declared its policy in the matter of the Interparliamentary Union, it is bad practice to authorize ignoring a statute, whatever it may be, with regard to travel expenses without any consideration.

Let me ask the Senator from Colorado [Mr. ADAMS] if I am correct in my impression that the Senate committee rejected this amendment?

Mr. ADAMS. It was rejected by the full committee, I think on a tie vote.

Mr. CLARK of Missouri. Mr. President, I feel constrained to make the point of order.

The PRESIDING OFFICER. The point of order is well taken. The bill is still before the Senate and open to amendment.

Mr. FRAZIER. Mr. President, I offer an amendment which has been printed, and which lies on the desk.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. On page 20, after line 9, it is proposed to insert the following:

BUREAU OF INTERNAL REVENUE

The funds continued available (by the Treasury and Post Office Departments Appropriation Act, 1941) during the fiscal year 1941 for refunds of processing and related taxes shall be available during such fiscal year for the payment, hereby authorized under such regulations as may be prescribed by the Commissioner of Internal Revenue with the approval of the Secretary of the Treasury, to any person who raised or produced and marketed hogs for slaughter on which there was levied, collected, or paid a processing tax under the provisions of the Agricultural Adjustment Act (of 1933), or his legal representative, of so much of such tax as was in fact borne by such person: *Provided*, That the amount of such tax borne by such person with respect to any particular quantity of hogs shall be deemed to be an amount equal to the processing tax payable upon an equal quantity of hogs at the time such particular quantity of hogs was marketed minus any amount by which the spread between the average hog product value at Chicago of such particular quantity of hogs during the month in which they were marketed and the average hog price at Chicago of such particular quantity of hogs during such month was less than the amount of such processing tax plus 65 cents for each hundredweight of such particular quantity of hogs: *Provided further*, That the rate of processing tax levied, collected, or paid with respect to any particular quantity of hogs marketed by a claimant under the provisions of this paragraph shall be deemed to be the rate prevailing on the day following the day upon which such hogs were marketed by such claimant: *Provided further*, That any claim for payment under the provisions of this paragraph shall be filed with the Commissioner of Internal Revenue after the date of enactment of this act and prior to July 1, 1941, and proof upon such claim must be submitted prior to December 31, 1941: *Provided further*, That the allowance or disallowance by the Commissioner of Internal Revenue of any claim filed under the provisions of this paragraph shall be reviewable in the same manner and to the same extent that the allowance or disallowance of a claim filed under the provisions of title VII of the Revenue Act of 1936 is reviewable under section 906 of such act: *Provided further*, That account sales kept by a vendor, or a vendee, or by an agent of either, with respect to a particular quantity of hogs shall be accepted as proof of a claim for payment under the provisions of this paragraph with respect to such quantity of hogs: *Provided further*, That no part of any payment made under this paragraph in excess of 10 percent thereof shall be paid to or received by any agent or attorney on account of services rendered in connection with obtaining such payment, and the same shall be unlawful, any contract to the contrary notwithstanding; and any person violating the provisions of this proviso shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined not exceeding \$1,000.

Mr. BYRNES. Mr. President, I make the point of order that this amendment proposes legislation on an appropriation bill.

Mr. FRAZIER. Mr. President, in the first session of the present Congress I introduced a bill to provide for the refund to farmers of the processing tax on hogs paid when that law was in effect in cases in which they could prove that the processing tax had been paid by the farmer himself in a lower price of hogs. The bill was similar to a measure which was passed for the cotton growers, to refund to them their cotton-processing taxes. The same situation exists with regard to hogs today.

This measure passed the Senate on a former occasion, but was referred to the Committee on Agriculture in the House; and there it has been held up, just as the bill was held up to provide for a refund of the processing tax on cotton. That bill was held up in the other body of Congress; and an amendment similar to this one was attached to a deficiency appropriation bill to provide for the refund of the processing tax on cotton out of a fund which was carried over.

This amendment provides for making these payments out of a fund of \$31,000,000 carried in the Treasury Department appropriation bill for refund of processing taxes. No new money is appropriated. The money already appropriated will be used for this purpose. The farmers sold their hogs at that time at a lower price than they otherwise would have sold them for; and the Department of Agriculture admitted that the processing tax on hogs was largely paid by the farmer himself in lower prices for those products.

We believe that the farmers are entitled to the refund of these processing taxes just as much as the cotton growers were, just as much as the factories were that were paid under previous acts. As you will note, it is provided in the amendment that the farmer has to prove his case before any consideration will be given him. In my opinion, farmers who can prove their cases are entitled to refunds just as much as the cotton growers were, just as much as the manufacturers or processors were who have had refunds paid to them.

So I hope the Senator from South Carolina will not press his point of order on the amendment. A technical point of order may lie against the amendment. I do not know; but, at any rate, the situation is similar to the one that existed in the case of the cotton bill, and the hog farmers are just as much entitled to refunds as the cotton growers were.

After the act was declared unconstitutional we voted for the payment of refunds to the cotton growers and the processors who paid processing taxes. The hog growers are entitled to it, too, if they can prove that they themselves paid the processing tax in the form of a lower price for their hogs. Many of them can do so; and I urge the Senator from South Carolina in all fairness to withdraw his point of order on this amendment and let it go into the bill and go to conference.

Mr. BYRNES. Mr. President, I know nothing about the merits of the amendment which has been offered to this bill. If the Senator from North Dakota will offer the amendment and have it considered by the committee, the committee may conclude that it is equitable and should be recommended for adoption by the Senate; but, reading it now, it is impossible for me even to know what is in the amendment. It is subject to a point of order, and I must insist upon it.

If the Senator will give the committee time to consider the amendment, it may be offered to the agricultural appropriation bill or to some other bill; but until I know more about it, and know what the Department has to say with reference to it, and what the charge on the Treasury would be, I shall have to insist upon the point of order.

The PRESIDING OFFICER. The point of order is well taken.

Mr. FRAZIER. Mr. President, this amendment follows the precedent set in the case of the cotton bill; and this matter was also taken care of by the Senate in a vote on the bill to provide a refund of the processing tax to hog farmers.

Mr. BYRNES. When the Senator a while ago made the statement that the amendment is in accord with the policy adopted as to cotton I was greatly impressed by it. I desire, however, to read the language of the amendment to see whether or not it is and whether or not any reason is urged by the Department of Agriculture or the Treasury Department in opposition to the bill.

The Senator is a member of the Committee on Agriculture and Forestry. If this amendment in the form of a bill has been pending before that committee, why has not the committee reported it?

Mr. FRAZIER. It has not been pending before the Committee on Agriculture and Forestry.

Mr. BYRNES. Before what committee has it been pending?

Mr. FRAZIER. I introduced it on Friday. I had planned to have it referred to the Appropriations Committee, which was considering the deficiency bill, but got word that the deficiency bill had been closed that morning, and that it had been reported to the Senate, so the only thing to do was to have the amendment printed and take it up when the deficiency bill came up.

Mr. BYRNES. Has any report been made as to how much the amendment would cost?

Mr. FRAZIER. The amount of \$31,000,000 is carried over in the fund, so it could not cost more than that.

Mr. BYRNES. If the amendment involves an expenditure of \$31,000,000, I think some committee should have an opportunity to consider it.

Mr. FRAZIER. No new money is appropriated. It is money that is carried over for the purpose of paying refunds of processing taxes.

Mr. BYRNES. It must involve payment out of the Treasury of the \$31,000,000 if it is to be of any help to the farmers.

Mr. FRAZIER. I say, though, that no new money is appropriated. It is in the fund which is carried over in the Treasury Department appropriation bill.

Mr. BYRNES. It is to refund processing taxes paid several years ago?

Mr. FRAZIER. That is correct.

Mr. GURNEY. Mr. President, will the Senator from South Carolina yield to me?

Mr. BYRNES. I have not the floor. I make the point of order.

Mr. O'MAHONEY. I call for the regular order.

Mr. GURNEY. Mr. President, I wish to say that a bill authorizing this refund passed the Senate on August 2, 1939. The bill was on the calendar at that time and had been through committee, so the Senate has already acted on it; but the measure is held up in the House. This is the same provision to which the Senate has already given its approval.

Mr. BYRNES. I have already suggested that the Appropriations Committee has had no chance at all to consider the amendment. It may be offered to the agricultural appropriation bill, and it will be just as effective on that bill as on this one. That bill will be considered by the Senate within the next week, and within that time we shall have an opportunity to determine whether or not the amendment should be adopted.

Mr. GURNEY. I inquire if the Chair has ruled on the point of order.

The PRESIDING OFFICER. The Chair has ruled. The point of order has been sustained.

The bill is still before the Senate and open to amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read three times, the question is, Shall it pass?

Mr. BILBO. Mr. President, I hope the chairman of the committee will permit the bill to go over until tomorrow morning. The bill was reported on the 8th of March. It reached the Senate in printed form last Saturday and was not put on the desks of Senators until today.

I do not like the idea of passing in so short a time a bill involving over \$90,000,000. I have some correspondence from constituents about some items in the bill, and I should like to have an opportunity to read it. I have not had a chance to do so. I do not want to be put in the attitude of trying to stop the legislation. I hope the chairman of the committee will agree to let it go over until the morning. Of course, if he cannot agree to that, I will ask for the regular order, which is the consideration of the Hatch bill.

The PRESIDING OFFICER. That is correct. The Chair lays the Hatch bill before the Senate.

Mr. ADAMS. Mr. President, just a minute. Am I to understand that when a bill has passed its third reading, it may then be sent back to the Calendar on a demand for the regular order?

The PRESIDING OFFICER. At any time before passage, if the regular order is called for, the Senator who makes the point is in order, and the bill goes back to the Calendar.

Mr. ADAMS. I simply want to make the comment that this is a bill made up of a very considerable number of items. It is not a regular appropriation bill for the next fiscal year. It is made up of emergency items, salaries which are required to be paid at this time, and so forth.

If the bill drags along employees in some of the departments will be let out of the service. One that occurs to me is the State Department. A number of persons—not a great number, but some—were put on the rolls in order to meet the situation caused by the war in Europe. The funds for their payment have been expended. There is not a thing in the bill of great importance other than a \$60,000,000 item for the benefit of the farmers, that is, to make available immediately parity payments in order to release the same amount out of the annual agricultural appropriation bill, of which the Senator from Georgia is in charge.

Of course, the Senator from Mississippi has a perfect right to have the bill go over, and we are quite helpless. The employees affected, of course, will have to leave the service and perhaps go on relief. The Hatch bill, about which the Senator is not enthusiastic, will be before the Senate tomorrow. It may not be possible to bring this deficiency bill back before the Senate. The Senator will accomplish some things which are dear to his heart, but he will not be helping the departments of this Government, nor will it be helping in his opposition to the Hatch bill.

Mr. BILBO. Mr. President, in response to the observations of the Senator from Colorado, I merely wish to say that a little while ago I realized that 30,000,000 people had their eyes on the Senate, looking for the passage of the agricultural appropriation bill. The farmers of this country are anxious to know just what Congress is going to do about parity payments, and what it is going to do about the surplus commodity question. There are many things in the bill in which the farmers are keenly interested. They are now making out their budgets. They are now hitching up the old mare and starting on the way to the field to begin plowing for another crop. They are anxious to know what is going to take place. They are not anxious to know whether we are going to hatch out a Hatch bill, for the benefit of the Republicans, as it seems, since they are so unanimous in its support, although they are not really so much interested in that as in the legislation carried in the agricultural bill. If it is not necessary to be expeditious in the passage of the legislation in which 30,000,000 people are interested, I cannot see that a delay of 18 hours on this deficiency bill will be seriously objected to by anyone.

I have no doubt the bill will be taken up in the morning when the Senate meets and will be passed. I do not know whether there is a line in it or a dollar of appropriation to which I would object, but, as a Senator representing my constituents, I have a right to know what is in a \$92,000,000 appropriation bill before it passes the Senate, because I have a responsibility equal to that of other Senators. I have not had an opportunity to read the bill, and I do not like to have a \$90,000,000 appropriation bill taken up and passed in 5 minutes, especially before anyone has had a chance to read it. I dare say not five Senators in this body, outside of the committee, know what is in the bill.

Mr. ADAMS. And the same thing will be true tomorrow.

Mr. BILBO. Possibly they do not care, but I do. I want to have an opportunity to read the bill.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. BILBO. In just a moment. I notice that in the bill there is the sum of \$42,500,000 for salaries for one branch of the Government, and \$600,000 for communications.

Mr. ADAMS. I think the Senator is demonstrating the fact that he has not read the bill.

Mr. BILBO. I read the first page.

Mr. ADAMS. The Senator has not read that page, because that is not an appropriation he is reading.

Mr. BILBO. If the remainder of it is like this perhaps I had better wait and read it all. There is \$4,200,000 for travel. I should like to know something about that. It is

all set out, and there is a report. All I am requesting is an opportunity to read the bill. It means a delay of only 18 hours.

I yield to the Senator from Kentucky.

Mr. BARKLEY. I was about to suggest to both the Senator from Mississippi and the Senator from Colorado that of course this is a deficiency bill; it is brought in in the usual way, and the effort to pass it is the usual way of passing an urgent deficiency bill. But, at the same time, if the Senator from Mississippi insists on calling for the regular order, of course we will get nowhere this afternoon in the passage of the deficiency bill, and I suggest to the Senator from Colorado that if the Senator from Mississippi will withdraw his request for the regular order, the Senator from Colorado let the bill go over until tomorrow morning.

Mr. BILBO. I will be glad to agree to that. I have no doubt that I may be willing to let the bill pass without amendment or without any comment, but I take the position that, as a Senator, I have a right to read the bill, and I have not yet had an opportunity to read it. It involves \$92,000,000, and I do not care to have my constituents know that I am sitting here with my hands folded letting a bill go through Congress appropriating \$92,000,000 without any attention being paid to it.

Mr. ADAMS. I would not have that appear in the Record for anything. The Senator is the one calling attention to it.

Mr. BILBO. If there is something in the bill about which my constituents have written me and I let the bill go through without looking into the matter, I would not feel that I had done my duty as a Senator.

Mr. BYRNES. Mr. President, will the Senator yield?

Mr. BILBO. I yield.

Mr. BYRNES. I suggest to the Senator from Colorado that the Senator from Mississippi advises me that he will make it his business to read the bill tonight—

Mr. BILBO. I always follow that course.

Mr. BYRNES. And that in the morning we will be able to dispose of the bill in a very few minutes.

Mr. ADAMS. Mr. President, in an attempt to make a virtue of my necessity, as I always try to do, if the Senator will withdraw his request, and wants the bill to go over until tomorrow to give him an opportunity to keep himself right with his constituents, I shall have no objection.

Mr. BILBO. That is all I ask, and I only resorted to the demand for the regular order in order to secure my right. I withdraw the request with that understanding.

The PRESIDING OFFICER. The Senator withdraws the request for the regular order.

INVITATION TO ATTEND SHOWING OF LAND OF LIBERTY

Mr. WAGNER. Mr. President, some time ago the United States New York World's Fair Commission extended an invitation to all the Members of Congress to attend on Thursday the showing of the picture called Land of Liberty. I desire to supplement the invitation and to express the hope that every Senator will attend and see the picture. It was exhibited at the New York World's Fair and was one of the most popular exhibits at the fair. It presents the documentary history of the United States in picture form. I hope every Senator will be present to witness the showing of the picture in the auditorium of the Department of Labor on Thursday evening at 8:30 p. m.

REDUCTION OF TAXES FOR EMPLOYERS OF HAND LABOR

Mr. O'MAHONEY. Mr. President, I regret very much to delay the Senate at this late hour in the afternoon, but I refrained from taking the floor earlier in the day because of my desire not to participate in any debate which might be interpreted by anyone as being intended to delay consideration of the pending business.

I gave notice Saturday of my intention to introduce the bill which I am now about to introduce, a bill designed to reduce unemployment, and there has already been a very great demand for copies of the measure. Therefore, I feel

under obligation to trespass upon the time of the Senate for a few moments. I shall make my remarks as brief as possible.

Mr. President, believing that there can be no solution of the economic problem until the country finds a permanent solution of unemployment, I am introducing, for the purposes of study and discussion, a bill which is intended to enable industry itself to provide work for the millions who are now without it.

The problem of farm surpluses, the problem of Government debt and of Budget balancing, as well as the problem of work relief, financed by Government borrowing, all have their roots in the fact that private industry is not supplying opportunities for work to all who want to work.

It seems to me clear that the only way to reduce unemployment is to stimulate private industry. Our experience has demonstrated that Government cannot provide the jobs that are needed to restore prosperity.

The bill which I am introducing is designed to make it profitable for every employer of labor to use the largest possible number of workers. It is made self-supporting by a system of tax credits and contributions computed on the basis of the present income-tax structure.

REWARDS TO EMPLOYERS OF LABOR

Rewards, in the form of tax reductions or even wage subsidies, are held out not only to those who create new opportunities for employment, but, indeed, to all employers of labor, and the program would be financed, not by Government borrowing, but by a labor differential tax to be assessed against profits which arise as a result of factors by which labor costs are disproportionately reduced.

The measure is intended to effect an alliance between men and machines that would insure the maximum use of both. It is based upon the fundamental concept that there can be no permanent prosperity even for the most highly mechanized industry unless the masses of the people are able to buy the products of the machine.

It rewards the employer of labor by giving him a tax credit based upon the amount of wages paid. Every employer would receive this credit, and it would become a cash payment when the employer's wage account was sufficiently large in proportion to the mark-up of the goods produced or services rendered.

On the other hand, however, in cases where the mark-up, that is to say, the difference between gross income and costs, is excessively large as compared with total wage payments, a tax would be paid by the employer.

The bill here offered is drafted in tentative form, but contains, I believe, the formula for the long-awaited permanent cure of unemployment. I ask that it may be printed in full in the RECORD so that it may be available for criticism to all who are interested in incentive taxation.

The tax credit or reward for which provision is made in the bill is assessed at a rate to be fixed on the total allowable wage account. This includes all wages or salaries up to \$3,000 paid during the taxable year.

The tax payment provided for in the bill is measured by the difference between gross income and the total cost of materials, supplies, and wages. It will be determined by an assessment on this difference at a rate to be fixed after hearings. Since the bill provides for a wage credit in every case, a tax would be paid only in those industries in which the direct cost of labor is less than average.

The effect of the bill would be to stimulate the employment of men by making machines pay their way in terms of human production and of social value. The tax would not penalize the use of machines because even in the most highly mechanized industry the labor credit would be allowed.

WILL TEND TO CREATE NEW MARKETS

If the employer who uses machines chiefly imagines that this formula would be a deterrent, I remind him that the greatest possible deterrent is the ever-narrowing market

for his products caused by unemployment, and that even those industries which are making profits have an interest in the public debt. Taxes for debt retirement or even for interest on the public debt do not tend to expand markets or create more customers for the products of either men or machines.

Taxes, such as provided in this bill, which stimulate employment, create new markets because they stimulate buying power through reduction of unemployment. And buying power is precisely what the country most needs.

The appalling fact is that the profits of industry are increasing, but that employment is not keeping pace with the increase of production.

The statistics of the Federal Reserve Board indicate that the index of manufacturing production is now two points above the index of 1929, before the crash, but that although there is a net gain of 600,000 persons annually in the number of available workers, the average of manufacturing employment today is less than it was in 1929. In other words, the trend of production is up and the trend of employment down.

This trend cannot be permitted to go on without eventual disaster.

CORPORATE PROFITS CLIMBING RAPIDLY

A compilation of the profits reports of 669 large corporations made by Standard Statistics Co. shows that in 1939 their profits had increased 83.1 percent over 1938. Profits for these companies, which include all the principal industries, railroads and utilities amounted to \$697,548,000 in 1938 and, during the next 12 months, increased at such a rate that the total for 1939 was \$579,000,000 greater, or \$1,236,983,000. Obviously, these profits will not continue if we have to increase taxes to balance the Budget, or if we cut off farm relief and work relief by cutting Government expenditures, and thus destroy the already poor purchasing power of the beneficiaries of those expenditures.

The only way out is to enable industry to finance itself, support itself, save itself. All of these industries which made such large profits in 1939 and which also made profits in 1938 are mechanized industries. Every one of them spends large sums to advertise and sell its products.

Why should they not be willing to contribute to the creation of new markets for their own products? That is precisely what they would be doing under this bill. They would be paying a tax for their own benefit. They would be paying a tax the proceeds of which would be used for only one purpose, the creation of buying power through the abolition of unemployment.

This, I believe, is the way to take the unemployment problem and the farm problem off the back of Government; to stop deficit spending; to stop piling up the public debt; and to make possible the full utilization of all our resources of men, money, materials, and machines.

GOVERNMENT CANNOT FURNISH EMPLOYMENT

No one industry can act alone to end unemployment because every industry is under constant pressure to reduce labor costs. When industry lays workers off, the Government perforce must take care of them. But Government cannot do it effectively because Government cannot furnish employment for all who are idle or pay the wages which modern civilization demands to those whom it does employ on work relief. The machine age has created a high standard of living, but that standard can be maintained only if the people are able to buy all of the goods and services which the machine age produces.

Since no one industry can solve the problem alone, it is necessary for the Government of all the people to act for all. I present the method outlined in this bill in the hope that it is the means by which Government can help industry to help itself, by which it can foster and encourage little business, provide opportunities for all in private enterprise and at the same time preserve our cherished democratic institutions.

The details of the proposal are set forth at length in an article by Mr. Karl Karsten which is to appear in the Journal of Electrical Workers and Operators to be published tomorrow.

Mr. President, the article is too long to be read at this time, but I ask unanimous consent to have printed in the RECORD as part of my remarks an extract from that article, together with a table showing the profits of 669 of the leading corporations of the country, as prepared by Standard Statistics Company.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

The truth is that the Daggett proposal proposes a universal collection from all producers for the purpose of financing rewards to all who employ labor, because, by the employment they give, and the purchasing power they spread through wages, all employers provide customers and markets for all producers.

Seen in this light, a slight differential collection from the highly mechanized producer is not a destructive penalty, but, on the contrary, somewhat like an insurance premium, is a productive investment, insuring and protecting one's own markets and volume of sales.

4. DETAILS OF THE PROPOSAL

In the light of these facts, we are ready to look upon the proposal in detail.

"Who does what, and how"—to make this proposal work?

Administration of the Daggett proposal for job protection calls for no new or extensive Government agencies. The proposal can be administered by the present income-tax bureau in the course of collecting income taxes.

The amount of "differential collection" from each producer and the amount of "differential payment" claimable by each employer can be computed and shown upon the income-tax blanks in very little additional space. The former can be added to the amount of income taxes payable, the latter deducted, and in the comparatively infrequent cases when the "differential payment" exceeds both the "differential collection" and the income tax payable, the difference can be shown and made the basis of Government payments to the individual.

It is suggested that the computation of the following items on each personal and corporate income-tax report would effectuate the purposes of the Daggett proposal:

- (1) Gross income, from all sources except compensation received for personal services but including the full amount of imputed wages received by self-employers.
- (2) Total costs of deductible materials and supplies purchased.
- (3) Total of claimable pay rolls paid including claimable portion of imputed wages of self-employers.
- (4) Excess, if any, of the first item over the second item, which may here be called total mark-up or value added.
- (5) Excess, if any, of the fourth item over the third, which excess may here be called nonlabor mark-up.
- (6) Amount of differential collection found by multiplying the fifth item by the rate of collections established by Congress.
- (7) Amount of differential payment found by multiplying the third item by the rate of payment established by Congress.
- (8) Difference between the sixth and seventh items, which will be an addition to or a deduction from the income tax payable, and in the case of a differential payment greater than differential collection and income tax combined, will leave a balance payable by the Government to the taxpayer.

Provision should be made to limit the amount of wages or salaries or other fees and compensation for personal services, including imputed wages of self-employers, to any individual on the pay roll, which can be included in the total of claimable pay rolls for this purpose, to some moderate limit, such as three, four, or five thousand dollars, on the ground that larger salaries do not so greatly need protection and also in order to prevent undue evasion through bookkeeping procedures. By reason of such limits, the total claimable pay rolls here used may and usually will differ from the total of pay rolls used elsewhere in the income-tax report.

For the items which are to be included as income and as deductible materials and supplies, there should be detailed and perhaps to some extent arbitrary definitions. These definitions should have for their purpose a separation of items already subjected to a differential payment and differential collection by other taxpayers, in order to avoid multiple payment and collection, without defeating the underlying intent of the proposal which is to levy upon all values not created by direct labor and reward values created by direct labor. Accounting concepts should be shaped to that end.

Examples of these computations are shown for various industries and occupations in the exhibits.

Legislation to effectuate the proposal need only take the form of a bill setting forth the differential collection rates and the differential payment rates for job-protection purposes, and including the collection and payment thereof in the work of the Bureau of Internal Revenue, in conjunction with its administration of income taxes.

Net incomes of leading corporations for 1938 and 1939

Industry	Number of corporations	1938	1939	Percent of increase, 1939 versus 1938
Aircraft.....	8	\$378,000	\$3,397,000	798.7
Automobiles and parts.....	28	112,266,000	232,131,000	106.8
Auto tires, rubber goods, etc.....	10	22,795,000	33,978,000	49.1
Beverages (alcoholic and soft drinks).....	17	13,873,000	15,221,000	9.7
Chemicals and drugs.....	19	51,563,000	87,641,000	70.0
Electrical equipment and radio.....	12	3,587,000	7,264,000	102.5
Finance companies.....	16	24,997,000	24,691,000	1.2
Food products.....	27	45,294,000	48,888,000	7.9
Household furnishings.....	18	1,439,000	6,092,000	323.4
Leather and shoes.....	12	4,009,000	11,500,000	188.4
Machinery (industrial and agricultural).....	45	24,632,000	27,807,000	12.9
Meat packing.....	10	11,876,000	19,146,000	61.8
Metal mining and fabricating.....	14	23,119,000	27,822,000	20.3
Motion pictures and amusements.....	4	11,328,000	12,775,000	12.8
Oil producing and refining.....	16	13,137,000	14,515,000	10.5
Paper and paper products.....	20	4,435,000	7,776,000	75.3
Railroad equipment.....	11	2,378,000	7,051,000	197.8
Retail trade.....	34	63,000,000	79,543,000	26.3
Shipping and shipbuilding.....	6	363,000	434,000	19.5
Steel and iron.....	29	7,065,000	106,861,000	1399.8
Sugar producing and refining.....	8	13,000	2,914,000	22415.4
Textiles and apparel.....	46	13,200,000	23,547,000	79.1
Tobacco and tobacco products.....	11	54,200,000	57,652,000	6.4
Miscellaneous.....	93	52,345,000	77,883,000	48.7
Total industrials.....	514	498,623,000	936,589,000	87.8
Railroads.....	52	100,150,000	11,661,000	11.6
Utilities.....	103	289,075,000	288,733,000	11.4
Total corporations.....	669	657,548,000	1,236,983,000	83.1

¹ Excluding du Pont de Nemours & Co. income from its investment in General Motors Corporation.

² Deficit.

Mr. WALSH. Mr. President, will the Senator yield?

Mr. O'MAHONEY. I yield to the Senator from Massachusetts.

Mr. WALSH. I am very much interested in the statement made by the Senator from Wyoming, and I wish to commend him for giving his attention and consideration to finding some possible additional solution to our unemployment problem. I agree with him that unemployment is perhaps the most important problem before the people of the country today and will remain so until it is solved. I gather that the Senator believes it may be possible to solve that problem, in part at least, by some method of taxing? What is the Senator's proposal?

Mr. O'MAHONEY. Mr. President, as I endeavored briefly and hastily because of the late hour to outline, the purpose of the bill is to provide a tax credit computed on the basis of the income-tax structure—

Mr. WALSH. For machinery.

Mr. O'MAHONEY. For those employers of labor who use more than the average of human labor. This credit or payment is to be financed not by government borrowing but by a tax assessed upon employers who use less than the average of human labor.

Mr. WALSH. That was my understanding, from what the Senator said and what I read in the press today. I think the Senator from Wyoming has directed attention to a phase of this subject which is entitled to great and serious study and consideration, and I hope the Senator will push this matter so it may be thoroughly heard and, if possible, some legislation be enacted along that line.

BILL CONTAINS WORKABLE FORMULA

Mr. O'MAHONEY. Mr. President, I am greatly encouraged that the senior Senator from Massachusetts should display such interest in this measure. I know that a great many Members of Congress, both Senators and Representatives, have been studying this problem. Numerous suggestions have been made from time to time. I believe there is embodied in this bill a formula which has a chance to work.

Mr. CLARK of Missouri. Mr. President, will the Senator yield?

Mr. O'MAHONEY. I yield.

Mr. CLARK of Missouri. I have not had an opportunity to read the bill which the Senator has introduced, but I am glad he has introduced it, because it deals with a subject in which I am greatly interested, and I hope it will be referred to a committee which will give it appropriate study.

As I understand, it is a revenue matter and, therefore, must be put in a bill which originates in the House, but, nevertheless, a study may be made of it by a Senate committee.

I may say in that connection that when a revenue bill was under consideration in the Senate I introduced an amendment directing the Secretary of the Treasury to collect and furnish to the next session of Congress information looking to the imposition—I took the dilemma by the other horn—of a tax on labor-saving machinery. That amendment was included in the tax bill in the Senate, but was deleted in conference. That amendment of mine—and I take it the same thing is true of the bill of the Senator from Wyoming—was suggested to me by the fact that in the Unemployment Committee, of which I was a member for a period of nearly 2 years, we discovered that in some cases labor had been supplanted by machinery in the ratio of as high in one case, in the oil industry, as 2,000 to 1; in other words, 2,000 laborers had been displaced by a machine which it took only one laborer to operate.

With the development of labor-saving machinery, which we all hope will be progressive, it seems to me that the labor-saving machinery and the manufacturers who use such machinery must certainly be expected to pay a portion of the cost of taking care of unemployment and of the situations which grow out of unemployment.

Therefore I hope very much that the measure introduced by the Senator from Wyoming may receive the fullest consideration in this body, with the view to appropriate legislation when a bill comes over from the House to which it may be attached.

Mr. O'MAHONEY. Mr. President, it is most gratifying to find such distinguished Members as the Senator from Massachusetts [Mr. WALSH] and the Senator from Missouri [Mr. CLARK] express their sympathies with the purposes of this measure.

Mr. WAGNER. Mr. President, will the Senator yield?

Mr. O'MAHONEY. I yield.

Mr. WAGNER. The Senator speaking is a less distinguished Senator.

Mr. O'MAHONEY. It would be difficult to find a Senator more distinguished than is the Senator from New York.

Mr. WAGNER. I know that the Senator, in the course of his chairmanship of the so-called Monopoly Committee, had placed before him a great deal of evidence on the subject of labor-saving devices, and I wonder whether I am reasonably accurate in stating that to produce an equal amount 3,000,000 less workers are employed today than were employed in 1929?

Mr. O'MAHONEY. That statement has been made, but the figures which have come to me from the Federal Reserve Board indicate that the index of production has increased from 119 in 1929 to 121 in 1939, and that the number of persons employed in manufacturing has been reduced from about 8,370,000 in 1929 to about 8,215,000 in 1939. The unemployment problem is made more difficult by reason of the fact that there are added to the employables every year between 500,000 and 600,000 persons.

Mr. WAGNER. I understand that.

Mr. O'MAHONEY. So that the proportion of employment to production is much smaller now than it was 10 years ago.

Mr. WAGNER. I looked into the figures somewhat. Perhaps I have a larger sum; but my very strong impression is that some statisticians and economists who have been working on the question figured that the total employment today for the same amount of production as in 1929 is three million less than it was at that time.

Mr. O'MAHONEY. Some experts make that statement.

Mr. WAGNER. Even if that is only an approximation, the seriousness of the technological unemployment problem is obvious.

NO OBSTACLE TO TECHNOLOGICAL IMPROVEMENT

Mr. O'MAHONEY. The remark of the Senator from Missouri [Mr. CLARK] prompts me to add this observation: Suggestions for taxes upon machines have in the past not been acted upon because of the fear that to tax machines as such would be to raise obstacles to technological development. There can be no doubt that new machines make new industries. We see evidences of that everywhere. On the other hand, there can be no doubt that machines have the effect of the immediate displacement of particular persons.

Mr. CLARK of Missouri. Mr. President, will the Senator yield?

Mr. O'MAHONEY. I am glad to yield.

Mr. CLARK of Missouri. Is it not also true that, while ultimately, by creating new industries, the introduction of machines may create a greater aggregate of employment, as to the people who are thrown out of employment in which they have been skilled all their lives, it is very rare that they ever obtain any job that is nearly as good as the one they had, and usually they do not obtain any employment at all?

Mr. O'MAHONEY. That is exactly correct. Those are the persons who are completely displaced, and whose livelihood is taken away from them. The senior Senator from Pennsylvania [Mr. DAVIS], former Secretary of Labor, spoke to me earlier in the day, having read in the newspapers this morning that I intended to introduce this bill, and likewise expressed his general approval of the principle upon which the measure is based. He said that he had frequently discussed the matter when he was Secretary of Labor, and had made suggestions of this kind in his reports at various times. So, I find everywhere a general sympathy with the purpose. The doubts are as to whether or not a formula has been developed which will preserve the value of the machine while at the same time preventing the destruction of jobs. My personal belief is that we come pretty close to that formula in this bill.

Mr. WAGNER. Mr. President, will the Senator yield?

Mr. O'MAHONEY. I shall be very glad to yield.

Mr. WAGNER. Of course, this is a tremendous subject. I wish to call to the Senator's attention one experience I had while traveling in Europe. I was interested in the subject of unemployment. The experience to which I refer shows that we have not yet taken the really constructive steps we should take to see that the individual worker who loses his trade because of a labor-saving machine is rehabilitated. We have done nothing to rehabilitate the particular worker, whereas in some of the European countries, perhaps because of economic necessity, schools for the purpose have actually been established. I saw one of those schools. I saw a number of workers in a shop in connection with the employment exchange in one of the German cities; and when I inquired what work was being done I was informed that the men had lost their trade in an industry because of an invention and that they were young enough to be rehabilitated and retrained for the aircraft industry, a new industry which was growing up at that time. So an effort is being made to save those particular workmen from a drop in their standard of living and wages by teaching them other trades, so as to keep up their standard of living and also help to solve the question of unemployment.

The PRESIDING OFFICER. Does the Senator from Wyoming desire to introduce the bill at this time?

Mr. O'MAHONEY. I have introduced it. I ask that it be referred to the Committee on Finance.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Wyoming?

Mr. AUSTIN. Mr. President, what is the nature of the request?

The PRESIDING OFFICER. The Senator from Wyoming wishes to introduce the bill and to have it referred to the Committee on Finance.

Mr. AUSTIN. Mr. President, I think it would be well to let it lie on the table and be printed.

Mr. O'MAHONEY. That is my request that it be introduced and referred to the Committee on Finance.

Mr. BARKLEY. Mr. President, it will be printed.

Mr. AUSTIN. Mr. President, I think we might as well not take any action tonight. I shall object to unanimous consent to do anything of this kind.

Mr. O'MAHONEY. Mr. President, I am sure the Senator from Vermont does not know what has transpired. The request of the Senator from Wyoming when he rose—now perhaps almost a half-hour ago—was to introduce a bill. I thought the bill had been introduced. In any event—

Mr. AUSTIN. Perhaps the Senator from Wyoming is correct. However, assuming that that is so, my objection stands, for exactly the same reason I previously stated.

Mr. O'MAHONEY. May I ask the Senator from Vermont to what he is objecting?

Mr. AUSTIN. I am objecting to the unanimous-consent request of the Senator from Wyoming.

Mr. O'MAHONEY. To do what?

Mr. AUSTIN. To introduce his bill.

The PRESIDING OFFICER. Objection is heard.

Mr. O'MAHONEY. Mr. President, in order that there may be no doubt that this bill shall appear in the RECORD, I am forced, in the circumstances, to read it:

Be it enacted, etc., That part I of subchapter B of chapter I of the Internal Revenue Code is amended by adding at the end thereof the following new section:

"Sec. 16. Labor differential tax:

"(a) Rate of tax: In addition to other taxes there shall be levied, collected, and paid for each taxable year upon the labor differential income of every producer a tax of — percent of the amount of the labor differential income.

"(b) Definitions: 'Labor differential income' means the gross income defined in section 22 (a), less the deductions allowed by subsection (c). 'Producer' means an individual, partnership, company, corporation, joint-stock association, or organization, producing goods or services.

"(c) Deductions from gross income: In computing labor differential income there shall be allowed as deductions:

"(1) The total cost of materials and supplies purchased and used during the taxable year in carrying on any trade or business producing goods or services; and

"(2) The total amount of remuneration paid as salary, wages, or other compensation for personal services, but not including that part of the remuneration which, after remuneration equal to \$3,000 has been paid to an individual by a producer with respect to such services during any taxable year, is paid to such individual by such producer with respect to such services during such taxable year.

"(d) The provisions of this section shall not be applicable (1) to any producer for any taxable year for which such producer had no taxable income under this chapter, or (2) to any producer exempt from income tax under section 101."

Sec. 2. Part III of such subchapter B is amended by adding at the end thereof the following new section:

"Sec. 34. Labor differential credit:

"(a) Credit against labor differential tax: There shall be allowed as a credit against the labor differential tax imposed by section 16 (a) an amount equal to — percent of the total amount of remuneration paid during the taxable year as salary, wages, or other compensation for personal services, but not including that part of the remuneration which, after remuneration equal to \$3,000 has been paid to an individual by a producer with respect to such services during such taxable year, is paid to such individual by such producer with respect to such services during such taxable year.

"(b) Labor differential payment: In the case of any producer whose labor differential credit for any taxable year exceeds the tax imposed by section 16 (a), the amount of such excess shall be paid to such producer by the Secretary of the Treasury, out of any money in the Treasury not otherwise appropriated. In the case of any producer who, for any taxable year, is not liable for the tax imposed by section 16 (a) because such producer had no taxable income under this chapter for such year, the Secretary of the Treasury shall pay, out of any money in the Treasury not otherwise appropriated, to such producer an amount equal to — percent of the total amount of remuneration paid during the taxable year as salary, wages, or other compensation for personal services, but not including that part of the remuneration which, after remuneration equal to \$3,000 has been paid to an individual by a producer with respect to such services during such taxable year, is paid to such individual by such producer with respect to such services during such taxable year."

Sec. 3. The amendments made by this act shall apply with respect to taxable years beginning after December 31, 1940.

Mr. President, I am really at a loss to understand why the Senator from Vermont does not permit this measure

to go through the regular order so that it may be printed and lie on the table for Senators to see in readable form.

Mr. AUSTIN. Mr. President, I have stated my position. I do not know, but I think there is a misunderstanding.

Mr. O'MAHONEY. I was quite sure the Senator misunderstood what I was asking.

Mr. AUSTIN. If the Senator is willing to allow the regular order to take place, and to allow his bill to lie on the table and be printed—

Mr. O'MAHONEY. That is all I was asking.

Mr. AUSTIN. He will save much energy, although we are always charmed with the voice of the Senator from Wyoming.

Mr. O'MAHONEY. The Senator certainly misunderstood me. I did not ask anything but the introduction and printing of the bill and its reference to the Finance Committee.

Mr. AUSTIN. Mr. President, I do not want any action taken tonight.

Mr. O'MAHONEY. I am not asking for any action.

Mr. AUSTIN. I have no objection to the bill going into the RECORD or being printed.

Mr. O'MAHONEY. Mr. President, it is my understanding, then, that the bill has been introduced.

Mr. AUSTIN. Mr. President, I cannot see how the Senator could infer that.

Mr. O'MAHONEY. Mr. President, I know of no way to present a bill for consideration, to be printed, and to lie on the table, except to introduce it.

Mr. AUSTIN. Very well, if the Senator thinks that is the only way it may be done. I suppose that on my objection to the unanimous-consent request to set aside the pending business for that purpose it could not be done.

Mr. O'MAHONEY. Mr. President, I have no desire, of course, to set aside the pending business, if that is what the objection means.

Mr. AUSTIN. Yes.

Mr. O'MAHONEY. So the bill may lie on the table.

The bill (S. 3560) to reduce unemployment, was read twice by its title, and ordered to lie on the table.

Mr. NORRIS. Mr. President, I should like to have the attention of the Senator from Wyoming (Mr. O'MAHONEY). It seems perfectly clear to me, if I correctly understand the situation, that the Senator's bill—which, as I understand, will appear in the RECORD and be printed in regular bill form—relates to a subject of which, under the Constitution of the United States, the Senate has no original jurisdiction.

Mr. O'MAHONEY. Mr. President, the Senator is quite correct in that understanding. Although I have asked to have the bill referred to the Finance Committee, it is my intention to ask the Ways and Means Committee of the House to hold a hearing on the measure. Of course, it would be possible from a parliamentary point of view to attach the bill as a rider to any other tax bill that might come over from the House; but I will say to the Senator from Nebraska that that is not my intention. I have no desire to present this measure as a rider upon any other bill. My purpose in introducing it now is merely to have it printed and available and open to discussion, study, and criticism.

Mr. NORRIS. Mr. President, the Senator's purpose is commendable, even though it may unnecessarily take up some of the time of a committee of the Senate.

I was moved to make the suggestion I have made about the Senate having no jurisdiction because this very day I wrote a letter to a constituent who represents a very large organization, one of the largest in the State. He had called my attention to an error in a law on the statute books from which the organization suffered, which I think would be very readily changed if the Senate had the right to proceed with it.

I wrote him that legislation to correct the error must originate in the House of Representatives, and that the Senate had no right to pass legislation of that kind, although they could put on such an amendment if the House sent to the Senate a revenue bill; but I also had to tell him that, in my judgment, the House of Representatives had no intention of

passing a revenue bill at this session, so that however meritorious the legislation was, and however little change was necessary to bring it about, from a practical standpoint, it would probably be an impossibility. I did not want my constituent to read the RECORD and see that the Senate had received a proposition which was clearly beyond their jurisdiction, and, so far as the RECORD showed, were ready to proceed with its passage as soon as they could get to it.

I should like also to say that while I have no objection to the study of the bill, though I have not read it, in reading what the newspapers said about it this morning and listening to the Senator's argument it seemed to me that however worthy the purpose of the bill may be, attention ought to be called to the fact that the effect of the bill would be, as I see it, to put a tax upon human progress, and that it would act as a preventive of all technological inventions that would improve anything now in existence.

As I see the matter, the history of civilization is simply the story of technological inventions that have been made and put into use. I dislike to hear so many Senators speaking in commendation of the Senator's bill, all of whom have been highly complimented by the Senator from Wyoming, and to run the risk that I may receive not only not a compliment but a rebuke from the Senator from Wyoming.

Mr. O'MAHONEY. Mr. President, I never could do anything but compliment the senior Senator from Nebraska.

Mr. NORRIS. But, I say, it seems to me that we ought to hesitate long—I think forever, unless there is a real compulsion under conditions that we cannot resist—before we try to put a stop sign on the road of human progress, or to levy a tax upon the improvement of any machinery now in existence which will bring about a happier and a more prosperous people; and I am afraid that is what the Senator's bill would have a tendency to do.

I know that technological inventions have resulted in huge unemployment, that there are many people out of employment because of such inventions; but if there had been no technological inventions, we would be in a state of barbarism today. It seems to me clear that the leaders of human progress should look with commendation and favor upon any invention which reduces the labor of human beings.

Mr. O'MAHONEY. Mr. President, will the Senator yield?

Mr. NORRIS. I yield.

Mr. O'MAHONEY. I desire merely to say to the Senator that I agree with everything he has said. I would be the last person to attempt to raise a stop sign on the road of technological improvement. No one recognizes more readily than do I, and no one is more prepared to acknowledge, that the development of the machine has been the cause of most of our improvement. I stated earlier in the discussion—perhaps the Senator did not hear the statement—that one of the reasons why measures of this kind, which have been suggested heretofore on numerous occasions, have not ripened into legislation was the very fear the Senator expresses, but I believe that this measure contains a formula which will make it possible for us to balance men and machines, and to get the best possible result out of both.

Mr. NORRIS. At least, I will say to the Senator, I welcome any study of the subject which may be made, no matter what point of view the student may have to begin with, or what his outlook may be.

While I am speaking of the bill which the Senator has introduced, I should like to say that the technological improvement of machinery in this country has long held my close attention. I have become a firm believer that we should welcome all technological inventions which reduce human labor, and that to meet the unemployment situation which must follow from the application of such machinery to human industry we should reduce the hours of labor of human beings.

I have thought, and I believe now, that we never will settle the unemployment question until we do reduce the hours of human labor. It would dislocate things a little to start with and bring about some inconveniences, but in the long run it would bring about an improvement of living conditions and

would bring more happiness and more contentment and more prosperity to the human race.

We should reduce as much as we can the hours of labor of all human beings. We should welcome at any time the production of a mechanical instrument of any kind, and we should put it into application if it will reduce the necessary labor of human beings. It seems to me that one of the things we should do, and one of the things we will have to do, will be to reduce drastically much more than we have provided for by statute up to this time, the hours of labor of our people without reducing the wages, and in the end such action on the part of the Congress to meet the situation, so far as they have jurisdiction under the Constitution, while it would not bring about entirely the relief we seek of unemployment, it would reduce unemployment of men and women to a very great extent, so much so that it would go a great way toward solving the unemployment problem and bringing about prosperity.

Mr. President, I do not believe we can fully meet the situation until we have done something such as I have briefly outlined, or its equivalent, to meet the unemployment problem.

ADDRESS BY SENATOR PITTMAN ON WORLD AFFAIRS

Mr. PITTMAN. Mr. President, I find it necessary to call attention to an error in a newspaper quotation from a very short speech which I made on Saturday night, which was broadcast. I very rarely pay any attention to errors in quotations. However, I could not be committed to this error, because it is quite material in its effect.

On Saturday night I delivered before my fraternity a very brief address on the subject of World Affairs. It was broadcast. Mimeographed copies were made of it. I find in the Washington (D. C.) Sunday Star of March 10 a report of that address, and I find this statement by the reporter:

He—

Meaning me—

characterized the mission of Under Secretary of State Welles as a "splendid undertaking on the part of the President," and said Mr. Welles had been sent abroad to "make further efforts to bring about a cessation of war and an adjustment of the controversies that are the cause of war."

Certainly I never stated that. I never stated that Mr. Welles was sent abroad for the purpose of trying to bring about a cessation of war. I did use in my address the language quoted, but in a very different context and at a very different place.

What I said was this:

The President has sent to Europe Mr. Sumner Welles, the Under Secretary of State, to ascertain confidentially the attitude of the governments of the warring powers, their objectives, and, if possible, to ascertain some possible formula that might be the foundation at the proper time for the United States to make further efforts to bring about a cessation of war and an adjustment of the controversies that are the causes of the war.

It was a splendid undertaking upon the part of the President. There was some fear expressed at the time that the mission of Mr. Welles was announced by the President. Some thought that Mr. Welles might unfortunately be led into the controversies. His actions in Italy, Germany, and France have proven conclusively that he has made no such mistakes and will make no such mistakes, that he is only seeking information in confidence that may be of value to our country in the future. It appears that he has won the confidence of the various high officers of the governments with whom he has conferred. Never by word or action has he violated that confidence. Some said that the President could obtain the same information through his ambassadors. Ambassadors cannot be the recipients of the same confidence of foreign governments as a special envoy, because ambassadors frequently in their efforts to better the position of their own governments in the eyes of the world talk too much. Mr. Welles has not talked at all.

I ask leave to have the entire speech published in the CONGRESSIONAL RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The address is as follows:

Mr. Toastmaster: Dr. Brown, eminent supreme archon; members of the Supreme Council, Washington City Rho Chapter; and members of the Sigma Alpha Epsilon fraternity: I deeply appreciate your invitation to address you this evening on the subject of

World Affairs. There was never in the history of the world a subject that so vitally affects the lives of people and, in fact, civilization. In addressing my fraternity tonight, I am speaking to a cross-section of men who hold high positions in every profession and industry in the United States. It is well that in this period when humanity has imposed upon it suffering beyond expression that those who believe in brotherly love should give consideration to the sad condition of the world.

Great races of people, dominated by the brute instincts of greed and fear, have abandoned the teachings of Christ, the natural laws of humanity and justice. The efforts of powerful governments with mass control of their peoples are bent upon the unrestrained destruction of human life—soldiers, civilians, women, and children. In their madness they have closed their minds and souls to the dictates of reason. Czechoslovakia, an ideal democratic state composed of a high-class citizenry has been destroyed. Poland, which through the ages has been fighting for its independence, has had its people slaughtered and its government wiped out of existence. Finland—loyal, patriotic, honest Finland—has been invaded without excuse by Russia, a country a hundred times as powerful as Finland. The Finnish people are dying for the love of their country and for the honor of their people. China, with its 400,000,000 of peaceful, energetic, and honorable people, without legitimate cause or excuse, is being destroyed and its men, women, and children tortured and exterminated with barbarity never exceeded. Denmark, Norway, and Sweden, who have lived by peace and who even remained neutral during the first Great World War, are now threatened with extermination from two powerful sources. Rumania, who desires neutrality alone, is being forced into an untenable position by the Allies on one hand and by Germany upon the other hand. In fact, all the Balkan states are trembling today in fear of conquest by Germany and Russia.

When this war reaches the apex of its intensity and destruction, its results, as far as destruction of life and civilization are concerned, will be as a mountain to a molehill by comparison with the last war. The instruments of destruction in the air and under the water have been developed to a degree that they may carry their destruction many times further and with far greater destructive powers.

And what is the hope of stopping this catastrophe? Our Government, through the passage and the administration of the Neutrality Act, is strictly maintaining its neutrality as between the warring powers and has prevented the destruction of our ships and the lives of our sailors by restraining commerce with warring powers and by keeping our ships out of the war zones; and yet, while this act and its administration has very probably eliminated our people from the destruction of their lives and property, nevertheless, we cannot escape the dire effects of the destruction of the lives of the best people in the world and the chaos that must follow.

Our Government did everything in its power to induce the great governments of Europe who were threatening war to desist and to reach a reasonable peaceful understanding. The madness of Europe was too great. Our sincere efforts failed.

The President has sent to Europe Mr. Sumner Welles, the Under Secretary of State, to ascertain confidentially the attitude of the governments of the warring powers, their objectives, and, if possible, to ascertain some possible formula that might be the foundation at the proper time for the United States to make further efforts to bring about a cessation of war and an adjustment of the controversies that are the causes of the war. It was a splendid undertaking upon the part of the President. There was some fear expressed at the time that the mission of Mr. Welles was announced by the President. Some thought that Mr. Welles might unfortunately be led into the controversies. His actions in Italy, Germany, and France have proven conclusively that he has made no such mistakes, and will make no such mistakes—that he is only seeking information in confidence that may be of value to our country in the future. It appears that he has won the confidence of the various high officers of the governments with whom he has conferred. Never, by word or action, has he violated that confidence. Some said the President could obtain the same information through his ambassadors. Ambassadors cannot be the recipients of the same confidence of foreign governments as a special envoy because ambassadors frequently in their efforts to better the position of their own governments in the eyes of the world talk too much. Mr. Welles has not talked at all.

The situation in Asia is improving. It has become apparent to the Japanese Government that they cannot conquer China. The cost of their invasion already has been almost destructive of the monetary and economic systems of Japan. In this situation there is hope that a satisfactory adjustment between China and Japan will be worked out eventually.

Both Germany and Great Britain realize more fully now the cost in life, money, and materials of this great war if it continues to its end. And yet the madness still prevails to such an extent that rulers see no way yet except to continue this war of destruction. Each of the warring powers has laid down conditions of peace which anticipate the destruction of the economic life of the other. Certainly this is unnecessary. It is unreasonable. It is impossible. The entry of Russia into the war through its invasion of Poland and Finland and its alliance with Germany has greatly complicated the efforts for peace. Italy may be forced into the war on Germany's side and yet the Italian people will never favor an alliance with communistic Russia. Italy would not be happy at the conquest of the Balkan states by Germany and Russia. When Italy and the

Balkans are drawn into this war, peace will be long deferred. If there is not an armistice before the summer commences, the chances are that the war will continue to its finish.

Now is the time for neutral countries to constantly hammer for the thought of peace. Possibly if an armistice could be induced for 30 days and fear could be allayed during that period of time, then maybe the neutral powers could offer their services. It is inconceivable that the warring powers should refuse an armistice to permit of calm discussion of the alleged causes of war and the objectives of such war. To refuse such an undertaking is to carelessly and selfishly pronounce the doom of civilization. We realize, of course, the difficulty of neutrals approaching warring powers in the intense heat of war. We are aware, of course, that unless such good services are welcomed by the warring powers, they can accomplish no good. And yet, sad as the picture appears, our citizens should be well satisfied with the high and patriotic position taken by their own Government. They should be happy to such extent as may be, considering the suffering of the world, that their sons will not be destroyed in this foreign war, that their Government and their civilization will not be threatened with destruction, and that their Government is maintaining a position that will enable it to render valuable services in bringing about peace, and if not peace then to maintain the seeds of civilization to reestablish it after the war in the devastated areas of the world.

EXECUTIVE SESSION

Mr. BARKLEY. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE MESSAGES REFERRED

The PRESIDING OFFICER (Mr. ELLENDER in the chair) laid before the Senate messages from the President of the United States submitting several nominations in the Army, which were referred to the Committee on Military Affairs.

(For nominations this day received, see the end of Senate proceedings.)

EXECUTIVE REPORTS OF A COMMITTEE

Mr. McKELLAR, from the Committee on Post Offices and Post Roads, reported favorably the nominations of sundry postmasters.

The PRESIDING OFFICER. If there be no further reports of committees, the clerk will state the nominations on the executive calendar.

POSTMASTERS

The legislative clerk proceeded to read sundry nominations of postmasters.

Mr. McKELLAR. I ask unanimous consent that the nominations of postmasters be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations of postmasters are confirmed en bloc. That completes the executive calendar.

RECESS

Mr. BARKLEY. As in legislative session, I move that the Senate take a recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 5 o'clock and 55 minutes p. m.) the Senate took a recess until tomorrow, Tuesday, March 12, 1940, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received March 11 (legislative day of March 4), 1940

APPOINTMENTS IN THE REGULAR ARMY

TO BE ASSISTANTS TO THE QUARTERMASTER GENERAL, WITH THE RANK OF BRIGADIER GENERAL, FOR A PERIOD OF 4 YEARS FROM DATE OF ACCEPTANCE

Col. Clifford Lee Corbin, Quartermaster Corps, from April 1, 1940, vice Brig. Gen. Augustus B. Warfield, assistant to the Quartermaster General, whose term of office expires March 31, 1940.

Col. Joseph Edward Barzynski, Quartermaster Corps, from August 1, 1940, vice Brig. Gen. Richard H. Jordan, assistant to the Quartermaster General, whose term of office expires July 31, 1940.

Col. Charles Dudley Hartman, Quartermaster Corps, from August 1, 1940, vice Brig. Gen. A. Owen Seaman, assistant to the Quartermaster General, to be retired July 31, 1940.

APPOINTMENT IN THE NATIONAL GUARD OF THE UNITED STATES GENERAL OFFICER

Brig. Gen. Raymond Hartwell Fleming, Louisiana National Guard, to be brigadier general, National Guard of the United States, from March 8, 1940.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 11 (legislative day of March 4), 1940

POSTMASTERS

ARIZONA

Vivian E. Dodge, Cavecreek.
John W. Lawson, Oracle.
Jesse L. Boyce, Williams.
William H. Daley, Window Rock.

DISTRICT OF COLUMBIA

Vincent C. Burke, Washington.

GEORGIA

John J. Story, Ashburn.
Walter E. Schilling, Marietta.

MASSACHUSETTS

John F. Larnard, Amesbury.
George G. Henry, Ashfield.
Paul E. Haley, Chester.
Richard F. Pender, Dalton.
Frances B. Stevens, East Falmouth.
Charles E. Morrison, Falmouth.
J. Francis Megley, Holbrook.
Martin J. Healey, Hubbardston.
James E. Harte, Lee.
Regina C. West, Littleton Common.
James Connaughton, North Grafton.
Wilfred J. Tancrell, North Uxbridge.
William F. Eggo, Pinehurst.
Francis G. Fanning, South Lee.
John C. Donnelly, Walpole.

NORTH DAKOTA

Clair M. Christensen, Kensal.
Edward H. Berheide, St. Michael.

VIRGIN ISLANDS

Adele Berg, Frederiksted.

HOUSE OF REPRESENTATIVES

MONDAY, MARCH 11, 1940

The House met at 12 o'clock noon.

The Chaplain Rev. James Shera Montgomery, D. D., offered the following prayer:

Our heavenly Father, behind all changes Thou dost ever abide in eternal constancy. As Thou hast counseled us in our unwisdom to ask of Thee, we beseech Thee to bestow upon us now and evermore the wisdom of righteous living. We thank Thee for the light that reveals unto us the divine estimate of human life, that lifts the veil of mystery from struggle and sacrifice. As humanity is growing weary in its tramp down the ages, as evil roars through the world, awaken intellect and character to banish its sin and shame and let us understand that nothing built on the crumbling rock of wrong can finally last. O may we learn to know Thee in the world about us and in the secret places of our own hearts. Blessed be Thy holy name. Thou wilt speak to us when we are in trouble, guide our footsteps when we have lost our way, and renew our courage when we have become disheartened. Today let us hear Thy voice saying, Peace be unto thee; be strong, be strong." In the Redeemer's name. Amen.

The Journal of the proceedings of Thursday, March 7, 1940, was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Frazier, its legislative clerk, announced that the Senate had passed without amendment a bill of the House of the following title:

H. R. 7863. An act to amend section 602 (e) of the Communications Act of 1934, as amended, relating to a study of radio requirements for ships navigating the Great Lakes and inland waters of the United States.

The message also announced that the Senate had passed a bill and a joint resolution of the following titles, in which the concurrence of the House is requested:

S. 3209. An act granting the consent of Congress to the Mississippi State Highway Commission to construct, maintain, and operate a free highway bridge across the Pearl River at or near Carthage in the State of Mississippi; and

S. J. Res. 226. Joint resolution providing for the filling of a vacancy in the Board of Regents of the Smithsonian Institution of the class other than Members of Congress.

The message also announced that the Senate agrees to the amendments of the House to bills of the Senate of the following titles:

S. 1449. An act for the relief of Robert Stockman;

S. 1998. An act for the relief of Ernestine Huber Neuheller; and

S. 2284. An act to amend the act of May 4, 1898 (30 Stat. 369), so as to authorize the President to appoint 100 acting assistant surgeons for temporary service.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Latta, one of his secretaries, who also informed the House that on the following date the President approved and signed a joint resolution of the House of the following title:

On March 9, 1940:

H. J. Res. 424. Joint resolution to authorize the United States Maritime Commission to acquire certain lands at St. Petersburg, Fla.

STATE, COMMERCE, JUSTICE, AND JUDICIARY APPROPRIATION BILL, 1941—APPOINTMENT OF CONFEREES

Mr. McANDREWS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 8319) making appropriations for the Departments of State, Commerce, and Justice, and for the Judiciary, for the fiscal year ending June 30, 1941, and for other purposes, with Senate amendments, disagree to the amendments of the Senate and ask for a conference.

The SPEAKER. Is there objection to the request of the gentleman from Illinois? [After a pause.] The Chair hears none, and appoints the following conferees:

MESSESS. McANDREWS, RABAUT, CALDWELL, KERR, HARE, CARTER, STEFAN, and WHITE of Ohio.

EXTENSION OF REMARKS

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include certain excerpts in connection therewith.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. BLAND. Mr. Speaker, I ask unanimous consent to extend my own remarks on the subject of the American merchant marine, and to include therein an editorial recently appearing in the Journal of Commerce.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. BLAND. Mr. Speaker, I also ask unanimous consent to extend my own remarks on the subject of the War Department civil functions appropriation bill relating to labor in the Canal Zone and to include therein excerpts from reports made by the Governor of the Panama Canal, other official reports, and a copy of a letter from the Acting Secretary of War to me with enclosures.

The SPEAKER. Without objection, it is so ordered.

There was no objection.